

**TITLE: ENVIRONMENTAL MANAGEMENT STRATEGY**

Badgerys Creek Quarry and Brick Making Development  
235 Martin Road, Badgerys Creek, NSW, 2171

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06	03/05/2021	Update	Update table in section 1.3
07	31/05/2023	Update	Updated to include Phase 1

## 1 Introduction

### 1.1 Purpose

CSR Building Products Limited (CSR) will implement all practicable measures to prevent or minimise harm to the environment that may result from the Badgerys Creek Quarry and Brick Making Development.

This EMS has been prepared in accordance with Schedule 5, Condition 1 of the Development Consent. Table 1 EMS requirements outlines the section of the EMS where each sub-condition in Schedule 5, Condition 1 has been addressed.

Table 1 EMS requirements

Requirement	EMS section
1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:	
(a) be submitted to the Secretary for approval within 6 months of the determination of Modification 3 and 4, unless otherwise agreed by the Secretary;	Noted
(b) provide the strategic framework for environmental management of the development;	2
(c) identify the statutory approvals that apply to the development;	3, 4
(d) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;	5.1
(e) set out the procedures that would be implemented to:	
• keep the local community and relevant agencies informed about the operation and environmental performance of the development;	9, 10
• receive, record, handle and respond to complaints;	9.5
• resolve any disputes that may arise during the course of the development;	9.5
• respond to any non-compliance and any incident; and	9.2
• respond to emergencies; and	Appendix K
(f) include:	
• references to any strategies, plans and programs approved under the conditions of this consent; and	1.3
• a clear plan depicting all the monitoring to be carried out under the conditions of this consent.	7

### 1.2 Scope and Application

The Badgerys Creek Brickworks (Site) is located at 235 Martin Road, Bradfield (previously Badgerys Creek) 41 kilometres to the southwest of Sydney, within the Liverpool City Council Local Government

Area (LGA) (see Figure 1). Primary access to the site is provided through Martin Road at the north-eastern corner of the site. Features of the existing site are shown on Figure 2.

As outlined in Section 2.2, this Environmental Management Strategy (EMS) applies to Phase 1 of the Development including:

- Construction activities
- Dewatering of pits 1, 2 and 3
- Quarrying activities in Pit 3 and;
- Importation of Fill to backfill pits 1, 2 and 3 as part of quarry rehabilitation works.

Hereafter, Phase 1 is referred to as 'the Development'. The Development layout including the location of pits to be dewatered and backfilled is shown on Figure 2.

### **1.3 Environmental Management Plans, Strategies, Programs and Protocols**

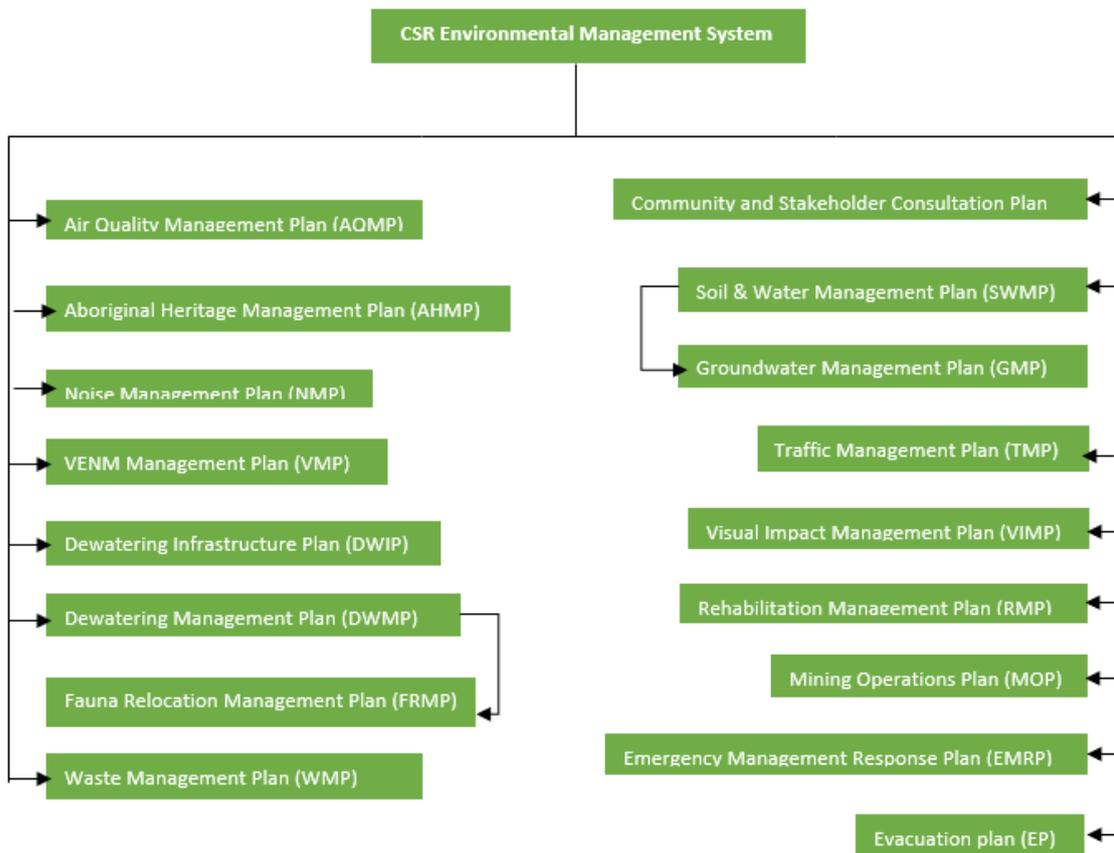
The main body of this document outlines the environmental management system and processes relevant to the delivery of the Development in accordance with the regulatory, contractual and other requirements. The main body of this document also provides the overall objectives, roles and responsibilities, legal and other requirements, training, monitoring, auditing and reporting requirements for the Development.

The EMS consists of this main document plus a series of 17 environmental management plans as outlined below:

- A: Conditions of Consent (CoC)
- B: Environmental Protection Licence (EPL)
- C: Mining Lease (ML)
- D: Water and Licence (WL)
- E: Enforceable Undertaking (EU)
- F: Noise Management Plan (NMP)
- G: Air Quality Management Plan (AQMP)
- H: Soil and Water Management Plan (SWMP)
- I: Groundwater Management Plan (GWMP)
- J: Traffic Management Plan (TMP)
- K: Aboriginal Heritage Management Plan (AHMP)
- L: Rehabilitation Management Plan (RMP)
- M: Waste Management Plan (WMP)
- N: Community and Stakeholder Consultation Plan (CCP)
- O: Mining Operations Plan (MOP)
- P: Emergency Management Response Plan (EMRP)

- Q: Visual Impact Management Plan (VIMP)
- R: FILL Management Plan (VMP)
- S: De-watering Infrastructure Plan (DWIP)
- T: De-watering Management Plan (DWMP)
- U: Fauna Relocation Management Plan (FRMP)
- V: Evacuation plan (EP)
- W: Environmental Risk Register (ERR)

The sub plans form appendices to the EMS and these documents provide detailed strategies for the planning, implementation, operation, inspection and monitoring requirements for a range of specific environmental issues. The management plans and their relationship to the EMS are shown in Diagram 1.



**Diagram 1:** Environmental Management Plans, Strategies, Programs and Protocols

## 1.4 Definitions and Abbreviations

Bgl:	Below Ground Level
Conditions of Consent (CoC):	Conditions contained in Schedules 2 to 5 of the Development Consent under Section 75J of the EP&A Act for the Badgerys Creek Quarry and Brick Making Development
Secretary:	Secretary of the Department of Planning, Industry and Environment, or delegate
DPI&E Water:	DPI&E (Water) Department of Planning, Industry and Environment (Water)
MEG:	Mining, Exploration and Geoscience in NSW
DPI&E:	NSW Department of Planning, Industry and Environment
EPL:	Environment Protection Licence
ENM:	Excavated Natural Material, as defined in the Protection of the Environment Operations Act 1997
Fill:	Virgin Excavated Natural Material and Excavated Natural Material
Incident:	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in the conditions of consent.
Non-compliance:	An occurrence or set of circumstances that is a breach of conditions of consent 10_0014, EPL 684, or ML 1771
NRAR:	Natural Resources Access Regulator
Material harm to the environment:	<p>Is unauthorised harm that:</p> <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or</li> <li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).</li> </ul>
ML:	Mining Lease
BCD:	NSW Biodiversity and Conservation Division of Department of Planning, Industry and Environment
Rehabilitation:	The treatment or management of land disturbed by the development for the purpose of establishing a safe, stable and non-polluting environment, and includes remediation.

Water NSW:	State-owned Corporation established under the Water NSW Act 2014
CSR:	Notes the Parent company CSR Limited but also includes its subsidiary PGH Bricks and Pavers.
FILL	Virgin Excavated Natural Material, as defined in the <i>Protection of the Environment Operations Act 1997</i>

## 2 Strategic Framework for Environmental Management

In addition to meeting the specific performance measures and criteria established under the development consent, CSR will implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the Development, and any rehabilitation required under the consent.

### 2.1 Work health, safety and environmental policy

CSR Work Health, Safety and Environmental Policy provides the following commitments and objectives:

- complying with the laws, regulations and our operational policies and standards; establishing measurable WHSE objectives and targets, recognising and celebrating their achievement;
- identifying, assessing and controlling hazards and impacts, and adopting an approach that will strive to eliminate or reduce the risk to an acceptable level;
- informing employees, contractors (and their sub-contractors), visitors and the public of these hazards and impacts, that may cause potential harm to them, our business and/or our environment;
- identifying, implementing, monitoring and reinforcing the safe behaviours we expect in our business to eliminate unsafe acts and practices;
- providing appropriate workplace health, safety and environmental training to employees and contractors;
- investigating incidents and sharing the learning's with all applicable stakeholders to prevent re- occurrences; and
- consulting and communicating with employees and contractors to continually improve the work health, safety and environmental performance in our workplaces.

All employees, contractors, sub-contractors and visitors are expected to comply with this policy and the conditions of consent relevant to activities they carry out in respect of the Development, and Management will provide the necessary resources and training to ensure this compliance.

### 2.2 Environmental Context

Quarrying and brick making activities have been undertaken on the site for over 30 years. In January 2022, a modification (Mod 5) to the development consent was granted by the Minister for Planning

to continue operations on the site including dewatering of the quarry pits, extraction of clay (quarrying), brick manufacturing, and importation of Fill to backfill and rehabilitate the quarry pits.

The Environmental Management Strategy (EMS) applies to Phase 1 of the Development and includes;

- Dewatering of pits 1, 2 and 3; and
- Importation of fill to backfill pits 1, 2 and 3 as part of quarry rehabilitation works.
- Construction activities;
- Quarrying activities in Pit 3.

Construction and operation of the brick factory does not form part of the current operations.

Hereafter, Phase 1 is referred to as 'the Development'.

### **2.3 Environmental Management Strategy**

The environmental management strategy for Badgerys Creek can be summed up as follows:

Site Rehabilitation works:

- Commence the Dewatering activities for Pit 1, 2 and 3.
- Commence the site rehabilitation works and importing fill material to back fill pits 1,2 and 3.
- Treat and discharge surface water as required.
- ensure water as far as practical does not get diverted into pit 1, 2 and 3.

### **2.4 Aspects and Impacts**

Dewatering and Rehabilitation (fill import) works will comprise:

- Fill import.
- discharge of pit water off site (pending relevant approvals).
- bulk earthworks movement.
- bulk earthworks compaction.
- water diversion.
- water pumping.

The environmental aspects from these activities include:

- ground disturbance;
- noise;

- dust generation;
- air emissions;
- waste generation;
- surface runoff;
- groundwater movement; and
- rehabilitation.

The Environmental Assessment of the Development identified potential impacts from the above aspects of the Development and outlined a suite of mitigation measures. These mitigation measures are being adopted in this EMS and framed within the CSR environmental policies and procedures for its facilities of similar nature.

## **2.5 Risk Assessment**

CSR will assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures described in each management plan and summarised in Section 7.0. Any exceedance of these criteria and/or performance measures constitutes a breach of the Consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

CSR maintains an Environmental Risk Register for the Badgerys Creek development (Appendix W). The register assesses the environmental impacts of the pit dewatering and FILL importation activities of the Badgerys Creek facility and ranks the associated environmental risks from low to high and flags where appropriate risk mitigation measures need to be put in place. The Environmental Risk Register is reviewed every 12 months (or more frequently in times of high development activity) to assess residual risks and provide for enhanced risk mitigation measures.

### 3 Development Consent Conditions

Any exceedance of criteria and/or performance measures required by the conditions of consent constitutes a breach of the consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation. Table 2 outlines the section of the EMS or the relevant management plan where each condition has been addressed.

Table 2 Conditions of consent

Sched	Condition	Condition Text	Where covered
2		ADMINISTRATIVE CONDITIONS	
2	1	OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	6.0 and the management plans
2		TERMS OF APPROVAL	
2	2	The Applicant, in acting on this consent, must carry out the development: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Secretary; and (c) in accordance with the development layout.	Implementation of the EMS
2	3	The Applicant, in acting on this consent, must carry out the development: (a) generally in accordance with the EA; (b) generally in accordance with EA (Mod 1); (c) generally in accordance with EA (Mod 2); and (d) generally in accordance with EA (Mod 3 and 4); (e) generally in accordance with Modification Report (Mod 5); and (f) generally in accordance with the Statement of Commitments.	Implementation of the EMS
2	4	The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document referenced in condition 3 of this Schedule. In the event of an inconsistency, ambiguity or conflict between any of the documents referenced in condition 3 of this Schedule, the most recent document prevails.	Noted
2	5	Consistent with the requirements of this consent, the Secretary may make written directions to the Applicant in relation to: (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 Secretary; and (b) the implementation of any actions or measures contained in any such document referred to in (a) above.	Noted

Sched	Condition	Condition Text	Where covered																				
2	6	<p>COMPLIANCE</p> <p>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.</p>	5.2																				
2	7	<p>APPLICABILITY OF GUIDELINES</p> <p>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.</p> <p>However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the 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.</p>	Implementation of the EMS																				
2	LIMITS OF CONSENT																						
2	8	<p>The Applicant may carry out quarrying operations and brick making on the site until 27 September 2031.</p> <p><i>Note: Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out additional requirements. Consequently, this consent will continue to apply in all respects other than to permit the carrying the development, until the rehabilitation of the site and those requirements and undertakings have been carried out to the required standard.</i></p>	3.1																				
2	10	<p>The Applicant must not exceed the limits in Table 1 during any calendar year.</p> <p><i>Table 1: Limits on extraction, production, receipt and dispatch volumes per calendar year</i></p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Development Phase</th> <th>Total Volume (tonnes per calendar year)</th> </tr> </thead> <tbody> <tr> <td>Extraction from Pit 3</td> <td>Phase 1 and 2</td> <td>420,000</td> </tr> <tr> <td rowspan="2">Receive raw materials for brickmaking</td> <td>Phase 1 and 2</td> <td>215,000</td> </tr> <tr> <td>Phase 3 onwards</td> <td>360,000</td> </tr> <tr> <td>Dispatch raw materials</td> <td>Phase 1,2 and 3</td> <td>275,000</td> </tr> <tr> <td>Brick production</td> <td>All Phases</td> <td>300,000</td> </tr> <tr> <td>Dispatch finished building products</td> <td>All Phases</td> <td>330,000</td> </tr> </tbody> </table> <p><i>Note: The Total Volume limits in Table 1 do not apply to the import of Fill for the purpose of backfilling voids. The import of Fill is separately managed under the restrictions on truck movements contained in Conditions 12, of this Schedule.</i></p>	Activity	Development Phase	Total Volume (tonnes per calendar year)	Extraction from Pit 3	Phase 1 and 2	420,000	Receive raw materials for brickmaking	Phase 1 and 2	215,000	Phase 3 onwards	360,000	Dispatch raw materials	Phase 1,2 and 3	275,000	Brick production	All Phases	300,000	Dispatch finished building products	All Phases	330,000	3.1
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Sched	Condition	Condition Text	Where covered																											
2	12	<p><i>Table 2: Total Truck Movements</i></p> <table border="1"> <thead> <tr> <th><i>Transport Route Stage</i></th> <th><i>Development Phases</i></th> <th><i>Day</i></th> <th><i>Total truck movements<sup>a</sup></i></th> </tr> </thead> <tbody> <tr> <td rowspan="3"><i>Prior to the upgrade of the Martin Road-Elizabeth Drive Intersection</i></td> <td rowspan="3">1,2 and 3</td> <td>Monday to Friday</td> <td>120</td> </tr> <tr> <td>Saturday</td> <td>40</td> </tr> <tr> <td>Sundays</td> <td>40</td> </tr> <tr> <td rowspan="6"><i>Following completion of the Martin Road-Elizabeth Drive Intersection upgrade</i></td> <td rowspan="3">1,2 and 3</td> <td>Monday to Friday</td> <td>800</td> </tr> <tr> <td>Saturday</td> <td>358</td> </tr> <tr> <td>Sundays</td> <td>200</td> </tr> <tr> <td rowspan="3">4</td> <td>Monday to Friday</td> <td>366</td> </tr> <tr> <td>Saturday</td> <td>98</td> </tr> <tr> <td>Sunday</td> <td>0</td> </tr> </tbody> </table> <p><sup>a</sup> <i>Note: each truck entering or exiting the site is counted as a separate movement.</i></p>	<i>Transport Route Stage</i>	<i>Development Phases</i>	<i>Day</i>	<i>Total truck movements<sup>a</sup></i>	<i>Prior to the upgrade of the Martin Road-Elizabeth Drive Intersection</i>	1,2 and 3	Monday to Friday	120	Saturday	40	Sundays	40	<i>Following completion of the Martin Road-Elizabeth Drive Intersection upgrade</i>	1,2 and 3	Monday to Friday	800	Saturday	358	Sundays	200	4	Monday to Friday	366	Saturday	98	Sunday	0	TMP
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		Sundays	200																											
	4	Monday to Friday	366																											
		Saturday	98																											
		Sunday	0																											
2	12A	<p>Truck movements entering or exiting the site on Sundays are restricted to the importation of FILL for the purpose of backfilling quarry pits and rehabilitation activities.</p> <p>Note: Truck movements are also controlled further by the limits in condition 10 of this Schedule and operating hours in condition 1 of Schedule 3.</p>	TMP																											
2	STRUCTURAL ADEQUACY																													
2	13	<p>All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the BCA.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• <i>Under Part 6 of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for any proposed building works;</i></li> <li>• <i>Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the development.</i></li> <li>• <i>A detailed stormwater drainage design, prepared by a qualified practicing civil engineer, is to be submitted to Council prior to the issue of a construction certificate.</i></li> </ul>	6.2																											

Sched	Condition	Condition Text	Where covered
2		DEMOLITION	
2	14	All demolition work must be carried out in accordance with the Australian Standard AS 2601-2001: The Demolition of Structures (Standards Australia, 2001).	6.2
2		PROTECTION OF PUBLIC INFRASTRUCTURE	
2	15	<p>Unless the Applicant and the applicable authority agree otherwise the Applicant must:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and</p> <p>(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.</p> <p><i>Note: This condition does not apply to damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition 25 of Schedule 3.</i></p>	TMP
2		OPERATION OF PLANT AND EQUIPMENT	
2	16	<p>All plant and equipment used on the site, or to monitor the performance of the development, must be:</p> <p>(a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.</p>	6.3
2	16A	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Secretary within seven days after the Certifying Authority accepts it.	Noted
2		LIMITS OF EXTRACTION	
2		Identification of Approved Extraction Limits	
2	18	<p>Within 3 months of the determination of Modification 3 and 4, the Applicant must:</p> <p>(a) engage a registered surveyor to mark out the boundary of the approved area of extraction within Pit 3; and</p> <p>(b) provide the Secretary with a survey plan of the boundary.</p> <p>The boundary of the approved area of extraction within Pit 3 must be clearly marked in a manner that allows them to be easily identified at all times during the carrying out of quarrying operations.</p>	6.3.1



Sched	Condition	Condition Text	Where covered
2		Maximum Extraction Depth	
2	19	The Applicant must not extract any extractive materials or carry out any work in the extraction area below 35 m below the pre-existing natural surface of the ground, other than construction of bores approved by DPIE Water or in-pit sumps approved by the Secretary.	6.3.1
3	SPECIFIC ENVIRONMENTAL CONDITIONS		
3	NOISE		
3	Hours of Operation		
3	1	The Applicant must comply with the operating hours set out in Table 1.	NMP
3	1A	With the written agreement of the Secretary, the Applicant may undertake limited campaign trucking (within the limits imposed under conditions 10 and 12 of Schedule 2) for the import of FILL outside of the operating hours prescribed in condition 1 of this Schedule.	NMP
3	2	<p>The following activities may be carried out outside the hours specified in condition 1 of this Schedule:</p> <ul style="list-style-type: none"> <li>(a) activities that are inaudible at residences on privately-owned land;</li> <li>(b) the delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons; or</li> <li>(c) emergency work to avoid the loss of life, property or to prevent material harm to the environment.</li> </ul> <p>In such circumstances, the Applicant must notify the Department and affected residents prior to undertaking the activities, or as soon as is practical thereafter.</p>	9.6.1
3	Construction Noise		
3	3	Approved construction works must only be undertaken during standard construction hours (7 am to 6 pm, Monday to Friday and 8 am to 1 pm on Saturdays), unless the Secretary agrees otherwise.	NMP
3	5	<p>Operational Noise Criteria</p> <p>The Applicant must ensure that operational noise generated by the development (including construction activities) does not exceed the criteria in Table 2 at any residence on privately-owned land.</p> <p>Noise generated by the development must be monitored and measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (NSW EPA 2017).</p> <p>However, the noise criteria in Table 2 do not apply if the Applicant has an agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.</p> <p><i>Note: should an agreement with a landowner be terminated for any reason, the Applicant must comply with the noise criteria in Table 2.</i></p>	7.2.2, NMP

Sched	Condition	Condition Text	Where covered
3		Road Traffic Noise Criteria	
3	6	<p>The Applicant must ensure that the road traffic noise generated by the development does not exceed the criteria in Table 3 at any privately-owned residence.</p> <p>Traffic noise generated by the development is to be measured in accordance with the relevant procedures in the NSW Road Noise Policy (Department of Environment, Climate Change and Water NSW). However, the noise criteria in Table 3, do not apply if the Applicant has an agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.</p>	7.2.2, NMP
3	6A	<p>Upon receiving a written request from the owner of residences RN5, RN9, RN14, RN16, RN21 or RN22, the Applicant must implement noise mitigation treatment packages as described in the EA (Mod 3 and 4) and as set out in the RMS Draft At-Receiver Treatment Packages.</p> <p>If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p>	NMP
3		Noise Operating Conditions	
3	7	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(a) take all reasonable steps to minimise the construction, operational, low frequency and road transportation noise of the development;</li> <li>(b) take all reasonable steps to minimise the noise impacts of the development during noise enhancing meteorological conditions;</li> <li>(c) operate a noise management system to guide the day to day planning of quarrying operations and the implementation of noise mitigation measures to ensure compliance with the relevant conditions of this consent;</li> <li>(d) carry out regular noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and</li> <li>(e) modify or stop operations on the site to comply with the relevant conditions of this consent.</li> </ul> <p>Note: Monitoring under this consent is not required at all residences and the use of representative monitoring locations can be used to demonstrate compliance with criteria, if agreed to by the Secretary.</p>	NMP

Sched	Condition	Condition Text	Where covered
3		Noise Management Plan	
3	8	<p>The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>(a) be submitted to the Secretary for consent prior to commencing Modification 3 and 4, unless otherwise agreed by the Secretary;</p> <p>(b) describe the measures to be implemented to ensure:</p> <ul style="list-style-type: none"> <li>• compliance with the noise criteria and operating conditions of this consent;</li> <li>• best practice management is being employed;</li> <li>• residences listed in condition 6A of this Schedule are notified of their rights to request road noise mitigation measures;</li> <li>• vibration impacts are minimised; and</li> <li>• the construction and operational noise impacts of the development are minimised during noise enhancing meteorological conditions;</li> </ul> <p>(c) describe measures to ensure that all the commitments in the EA (Mod 3 and 4) in relation to noise are implemented;</p> <p>(d) include a consultation plan detailing:</p> <ul style="list-style-type: none"> <li>• procedures for notifying and consulting nearby residents prior to the recommencement of quarrying and brick making activities;</li> <li>• procedures for notifying and consulting nearby residents prior to the commencement of construction activities;</li> <li>• details of a telephone complaints line (operated at all hours) and relevant site persons responsible for following up complaints;</li> <li>• procedures for handling and monitoring all complaints received; and</li> <li>• contingency measures that would be implemented where complaints are received;</li> </ul> <p>(e) describe the proposed noise management system; and</p> <p>(f) include a noise monitoring program that:</p> <ul style="list-style-type: none"> <li>• is capable of evaluating the performance of the development;</li> <li>• includes a protocol for determining any exceedances of the relevant conditions of this consent; and</li> <li>• effectively supports the noise management system.</li> </ul> <p>The Applicant must implement the Noise Management Plan as approved by the Secretary.</p>	NMP
3		AIR QUALITY	
3		Air Quality Impact Assessment Criteria	
3	9	The Applicant must ensure that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 4 at any residence on privately-owned land.	7.2.2, AQMP

Sched	Condition	Condition Text	Where covered
3		Operating Conditions	
3	10	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(a) implement best practice management to minimise the dust emissions of the development;</li> <li>(b) implement all air quality management and mitigation measures that were committed to in the EA (Mod 3 and 4);</li> <li>(c) implement real-time monitoring of 24-hour average PM10 and meteorological conditions;</li> <li>(d) regularly assess meteorological and air quality monitoring data and relocate, modify and/or stop operations on site to ensure compliance with the air quality criteria in this consent;</li> <li>(e) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d under Table 4);</li> <li>(f) monitor and report on compliance with the relevant air quality conditions in this consent; and</li> <li>(g) minimise the area of surface disturbance and undertake progressive rehabilitation of the site, to the satisfaction of the Secretary.</li> </ul>	AQMP
3		Air Quality Management Plan	
3	13	<p>The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared in consultation with relevant WSA authorities;</li> <li>(b) be submitted to the Secretary for consent prior to commencing Phase 1, unless otherwise agreed by the Secretary;</li> <li>(c) describe the proposed air quality management system;</li> <li>(d) describe the measures to be implemented to ensure: <ul style="list-style-type: none"> <li>• compliance with the air quality criteria and operating conditions of this consent;</li> <li>• best practice management is being employed; and</li> <li>• the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;</li> </ul> </li> <li>(e) describe measures to ensure that all the commitments in the EA (Mod 3 and 4) in relation to air quality are implemented;</li> <li>(f) include a program to ensure surface disturbance associated with quarrying operations is minimised;</li> <li>(g) include an air quality monitoring program that: <ul style="list-style-type: none"> <li>• is capable of evaluating the performance of the development and informing day to day operational decisions;</li> <li>• includes a protocol for determining any exceedances of the relevant conditions of this consent; and</li> <li>• effectively supports the air quality management system; and</li> </ul> </li> <li>(h) include a program to: <ul style="list-style-type: none"> <li>• notify affected landowners of the potential health-related impacts associated with dust;</li> <li>• respond effectively to enquiries or complaints.</li> </ul> </li> </ul> <p>The Applicant must implement the Air Quality Management Plan as approved by the Secretary.</p>	AQMP

Sched	Condition	Condition Text	Where covered
3		Meteorological Monitoring	
3	14	For the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales guideline and is capable of measuring meteorological conditions in accordance with the NSW Noise Policy for Industry (EPA, 2017).	AQMP
3		Odour	
3	15	The Applicant must ensure that no offensive odours, as defined by the POEO Act, are emitted from the site.	AQMP
3		Greenhouse Gas Emissions	
3	16	The Applicant must implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site.	AQMP
3		SOIL AND WATER	
3		Water Supply	
3	17	The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of operations under the consent to match its available water supply, to the satisfaction of the Secretary.	SWMP
3	17A	The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.	8.1
3		Water Discharges	
3	18	The Applicant must ensure that all quarry water from the site is contained wholly within the site except where otherwise authorised by condition 19 and 19A of this Schedule.	SWMP
3	19	The Applicant must ensure that all surface water discharges from the site comply with the limits (both volume and quality) set in any EPL applicable to the site	SWMP
3	19A	Dewatering of Pits 1, 2 and 3 All water that is dewatered from Pit 1 (including any water transferred into Pit 1 from Pit 2 and Pit 3) must be transferred from the site in accordance with the Dewatering Management Plan required under Condition 23A of this Schedule.	DWMP
3	19B	All dewatering activities from Pit 1 must be completed within Phase 1 unless otherwise agreed by the Secretary.	DWMP
3		Riparian Buffer Distance	

Sched	Condition	Condition Text	Where covered
3	20	The Applicant must maintain a minimum setback width of 60 metres (measured from the top of bank) between extraction areas and both Badgerys Creek and Badgerys Creek tributary. <i>Note: This condition does not prohibit overburden emplacement or rehabilitation works in accordance with the Development Layout Plan.</i>	SWMP
3		Alluvial Aquifers	
3	21	The Applicant must ensure that the development has no impact on alluvial aquifers associated with South Creek, Badgerys Creek or their tributaries.	SWMP
3		Soil and Water Management Plan	
3	23	The Applicant must prepare a Soil and Water Management Plan for the development to the satisfaction of the Secretary. This plan must: <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced person/s approved by the Secretary;</li> <li>(b) be prepared in consultation with Council and DPIE-Water;</li> <li>(c) be submitted to the Secretary for consent prior to commencing Phase 1, unless otherwise agreed by the Secretary; and</li> </ul>	SWMP
3	23	(d) include a: <ul style="list-style-type: none"> <li>(i) Site Water Balance that includes: <ul style="list-style-type: none"> <li>• details of: <ul style="list-style-type: none"> <li>– sources and security of water supply;</li> <li>– water use and management on site;</li> <li>– adequacy of water storage facilities to contain all surface water runoff;</li> <li>– all existing Water Access Licences and potential Water Access Licences, including information on the relevant Water Sharing Plan and Water Sources;</li> <li>– any off-site water transfers, including those described in condition 23A of this Schedule; and</li> <li>– reporting procedures; and</li> <li>– measures to be implemented to minimise clean water use on site;</li> </ul> </li> </ul> </li> </ul>	SWMP
3	23	(ii) Surface Water Management Plan, that includes: <ul style="list-style-type: none"> <li>• a program for obtaining detailed baseline data on surface water flows and quality in water bodies that could potentially be affected by the development;</li> </ul>	SWMP
3	23	<ul style="list-style-type: none"> <li>• a detailed description of the surface water management system on site including the: <ul style="list-style-type: none"> <li>– clean water diversion system; o erosion and sediment controls; o dirty water management system; and</li> <li>– water storages, including the area, depth and capacity of any in-pit sumps;</li> </ul> </li> </ul>	SWMP

Sched	Condition	Condition Text	Where covered
3	23	<ul style="list-style-type: none"> <li>detailed plans, including design objectives and performance criteria, for:               <ul style="list-style-type: none"> <li>o reinstatement of drainage lines on the rehabilitated areas of the site; and</li> <li>o control of any potential water pollution from rehabilitated areas of the site;</li> </ul> </li> </ul>	SWMP
3	23	<ul style="list-style-type: none"> <li>performance criteria for the following, including trigger levels for investigating any potentially adverse impacts on:               <ul style="list-style-type: none"> <li>– the water management system;</li> <li>– surface water quality in creeks and other water bodies that could potentially affected by the development (including Badgerys Creek and Badgerys Creek tributary); and</li> <li>– the stream health, vegetation health and channel stability of water bodies that could potentially affected by the development;</li> </ul> </li> </ul>	SWMP
3	23	<ul style="list-style-type: none"> <li>a program to monitor and report on:               <ul style="list-style-type: none"> <li>– any surface water discharges;</li> <li>– the effectiveness of the water management system;</li> <li>– the quality of water discharged from the site to the environment;</li> <li>– surface water flows and quality in local watercourses; and</li> <li>– the stream health, riparian vegetation health and channel stability of creeks and other water bodies that could potentially be affected by the development; and</li> </ul> </li> </ul>	SWMP
3	23	<ul style="list-style-type: none"> <li>a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development; and</li> </ul>	SWMP
3	23	<p>(iii) Groundwater Management Plan that includes:</p> <ul style="list-style-type: none"> <li>measures to ensure that the maximum extraction depth is not exceeded (see condition 19 of Schedule 2);</li> <li>a protocol to obtain appropriate water licence(s) to cover the volume of any unforeseen groundwater inflows into the quarry from the quarry face or floor;</li> <li>groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and</li> <li>a monitoring program to manage potential impacts, if any, on any alluvium and associated surface water source near the proposed extraction area that includes:               <ul style="list-style-type: none"> <li>– monitoring of boreholes within the alluvial sediments adjacent to Badgerys and South Creeks and their tributaries, and in the Bringelly Shale bedrock aquifer;</li> <li>– monitoring of groundwater inflows into the quarry from the quarry face or floor, or into any in-pit sumps;</li> <li>– monitoring the impacts of the development on baseflows to Badgerys and South Creeks and their tributaries;</li> <li>– identification of a methodology for determining exceedances of the assessment criteria;</li> </ul> </li> </ul>	SWMP

		<ul style="list-style-type: none"> <li>- a plan to respond to any exceedances of the performance criteria; and</li> <li>- a program to regularly report on monitoring.</li> </ul> <p>The Applicant must implement the Soil and Water Management Plan as approved by the Secretary.</p>	
3	23A	Dewatering Infrastructure Plan	
3	23A	<p>Prior to carrying out any construction activities associated with the dewatering activities on the site, the Applicant must prepare a Dewatering Infrastructure Plan for the development to the satisfaction of the Secretary. This plan must include:</p> <ul style="list-style-type: none"> <li>(a) detailed designs for: <ul style="list-style-type: none"> <li>• any pipeline infrastructure used for dewatering activities; and</li> <li>• the method to be used to cross Badgerys Creek;</li> </ul> </li> <li>(b) a flooding assessment which: <ul style="list-style-type: none"> <li>• considers the impacts of any structures (including overland pipelines) to flood flow within the floodplain up to the PMF; and</li> <li>• describes the measures that will be implemented to minimise those impacts; and</li> </ul> </li> <li>(c) a description of the measures to be implemented for: <ul style="list-style-type: none"> <li>• managing construction and operation of minor surface infrastructure;</li> <li>• avoiding significant impacts and minimisation of impacts generally;</li> <li>• controlling any potential water pollution from construction;</li> <li>• minimising and managing erosion and sedimentation;</li> <li>• decommissioning of pipeline infrastructure; and</li> <li>• rehabilitating disturbed areas.</li> </ul> </li> </ul> <p>The Applicant must implement the Dewatering Infrastructure Plan as approved by the Secretary.</p>	DWIP
3	23B	Dewatering Management Plan	
		<p>The Applicant must prepare a Dewatering Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared in consultation with DPIE-Water and NRAR;</li> <li>(b) be submitted to the Secretary for consent prior to dewatering activities from Pit 1, unless otherwise agreed by the Secretary; and</li> <li>(c) include: <ul style="list-style-type: none"> <li>• details of: <ul style="list-style-type: none"> <li>- off-site water transfer or discharge arrangements; and</li> <li>- procedures for monitoring on volumes transferred off-site and reporting on this as part of Annual Review;</li> </ul> </li> <li>• a Fauna Relocation Plan regarding the transfer of aquatic fauna from Pits 1, 2 and 3 prepared by a suitably qualified ecologist which includes details on:</li> </ul> </li> </ul>	DWMP

		<ul style="list-style-type: none"> <li>- native fauna species known to inhabit and/or use the pits which require transfer from the pits;</li> <li>- methodology proposed to transfer the fauna;</li> <li>- location and suitability of the proposed relocation sites;</li> <li>- any potential impacts of relocating the fauna to the relocation sites and proposed mitigation measures; and</li> <li>- details of ecologists to monitor dewatering activities;</li> <li>• a Geotechnical Monitoring Program, prepared by a suitably qualified and experience geotechnical engineer, to examine and monitor the faces and high walls of the quarry pits to determine potential geotechnical hazards and evaluate risks of potential failures;</li> <li>• a program to monitor and report on dewatering that involves any discharge from the site, including: <ul style="list-style-type: none"> <li>- the quality of any water discharged from the site;</li> <li>- surface water flows and quality in local watercourses; and</li> <li>- the stream health, riparian vegetation health and channel stability of creeks and other water bodies that could potentially be affected by the discharges; and</li> </ul> </li> <li>• a plan to respond to any exceedances of the performance criteria and mitigate and/or offset any adverse surface water impacts of the discharges.</li> </ul> <p>The Applicant must implement the Dewatering Management Plan as approved by the Secretary.</p>	
3		Flooding	
3	23C	The Applicant must prepare and implement an Evacuation Plan for the site. This Evacuation Plan must be prepared in consultation with the State Emergency Services and include details of the site evacuation and sheltering procedures during flood events.	EP
3	TRANSPORT		
3		Road Haulage	
3	24	<p>Prior to commencing Phase 1, the Applicant must:</p> <ul style="list-style-type: none"> <li>(a) erect signage on Elizabeth Drive advising of “trucks turning”;</li> <li>(b) install a wheel wash on the quarry access road and FILL haul road to prevent material being deposited on Martin Road; and</li> <li>(c) ensure the access driveway from Martin Road is capable of catering for all heavy vehicles associated with the development in accordance with AS2890.2, to the satisfaction of Council.</li> </ul>	TMP
<b>Sched</b>	<b>Condition</b>	<b>Condition Text</b>	<b>Where covered</b>
3		Road Upgrade and Maintenance Contribution	



3	25	<p>Prior to the recommencement of quarrying operations, the Applicant must enter into a formal agreement with Council for:</p> <p>(a) the repair of historical impacts of trucking from the development on Martin Road; and  (b) annual road maintenance contributions to be paid to Council, based on the weight of all laden truck movements to and from the site, for the duration that Martin Road is vested in the Council as the roads authority.</p> <p>The Applicant must provide evidence to the Secretary that the agreement has been executed and implemented to the satisfaction of Council.</p> <p>If there is any dispute between the Applicant and Council, then either of the parties may refer the matter to the Secretary for resolution</p>	TMP
3	25A	<p>Prior to increasing truck movement limits as specified in condition 12 of Schedule 2, the Applicant must complete an interim upgrade of the Martin Road and Elizabeth Drive Intersection. The final design of intersection must be to the satisfaction of the relevant roads authority/s and must:</p> <p>(a) be designed and constructed in accordance with Austroads Guidelines, Australian Standards and any requirements of the relevant road authority/s;  (b) include, at a minimum, a three phase signal operation including a right turn green light and pedestrian crossings on one Martin Road and one Elizabeth Drive approach;  (c) be subject to a Works Authorisation Deed (WAD) with TfNSW; and  (d) be funded by the Applicant, unless otherwise agreed with TfNSW.</p>	TMP
3	25B	<p>With the written agreement of the Secretary, the requirements of condition 25A of this Schedule may be waived if the Applicant can demonstrate that the Martin Road-Elizabeth Drive Intersection has been upgraded to achieve service, capacity and safety standards equivalent to or greater than those required under condition 25A of this Schedule.</p>	Noted
3	25C	<p>The Applicant must provide an area for a potential transport corridor associated with an extension of Martin Road through the site (as conceptually shown in Appendix 3). The final design and location of the transport corridor and any associated commercial arrangements must be determined in consultation with TfNSW.</p> <p>The Applicant must advise the Secretary in writing of the final design and location of the transport corridor as agreed with TfNSW, and update relevant management plans, strategies or programs for the development to reflect the transport corridor.</p>	Noted
<b>Sched</b>	<b>Condition</b>	<b>Condition Text</b>	<b>Where covered</b>
3		Monitoring of Product Transport	



3	26	The Applicant must keep accurate records of: (a) all truck movements to and from the site (including time of arrival and dispatch and nature of material transported); (b) the weight of all bricks, FILL and quarry products transported to and from the site; and (c) publish a summary of these records on its website every 6 months.	TMP
3		Operating Conditions	
3	27	The Applicant must: (a) ensure that all laden trucks carrying quarry products, raw materials or FILL have their loads covered when arriving at or leaving the site; (b) ensure that all trucks are cleaned of material that may fall from vehicles, before leaving the site; (c) use its best endeavours to ensure that appropriate signage is displayed on trucks used to transport finished building materials, quarry products or raw materials to or from the development so they can be easily identified by road users; and (d) continue to engage with TfNSW regarding the detailed planning and design for the Eastern Airport Ring Road.	TMP
3		Traffic Management Plan	
3	28	The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with TfNSW, WSA and Council; (b) be submitted to the Secretary for consent prior to commencing Phase 1 operations, unless otherwise agreed by the Secretary; (c) describe the processes in place to control the arrival and dispatch of trucks; (d) include a Drivers' Code of Conduct that details the safe and quiet driving practices that must be used by drivers travelling to and from the site; (e) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct; (f) propose measures to minimise the transmission of dust and tracking of material onto the surface of the public road from vehicles leaving the quarry; (g) describe the measures to manage construction and cumulative traffic impacts on the surrounding road network; and (h) be updated as necessary to reflect the operational phases and truck movement limits specified in condition 12 of Schedule 2 and prior to the commencement of any construction works for the upgrade of the Martin Road – Elizabeth Drive Intersection or the Eastern Airport Ring Road.  The Applicant must implement the Traffic Management Plan as approved by the Secretary.	TMP
<b>Sched</b>	<b>Condition</b>	<b>Condition Text</b>	<b>Where covered</b>
3		ABORIGINAL HERITAGE	

3	29	<p>The Applicant must ensure that:</p> <ul style="list-style-type: none"> <li>(a) archaeological salvage of site BC-01-09 is undertaken in accordance with Recommendation 1, Section 6.0 of the Aboriginal Heritage Assessment – Addendum in the EA;</li> <li>(b) regeneration works, dewatering activities and water discharges in the area of the archaeological deposit identified adjacent to Badgerys Creek (see Appendix 5) are either avoided, or else undertaken in a manner that will minimise harm to Aboriginal objects, to the satisfaction of the Secretary; and</li> <li>(c) measures are implemented prior to the commencement of Phase 1, to conserve and protect the hearth feature within site BCBW18 AS 02 02 (AHIMS ID 45-5-5164).</li> </ul>	AHMP
3	30	<p>The Applicant must prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary. The plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by suitably qualified and experienced persons;</li> <li>(b) be prepared in consultation with Registered Aboriginal Parties and Heritage NSW;</li> <li>(c) be submitted to the Secretary for consent within 6 months of the determination of Modification 3 and 4, unless otherwise agreed by the Secretary;</li> <li>(d) include a description of the measures that would be implemented to: <ul style="list-style-type: none"> <li>i protect, monitor and manage identified Aboriginal objects and Aboriginal places on the site (including any proposed archaeological investigations and salvage measures), including specific measures to ensure that the archaeological deposit adjacent to Badgerys Creek (see Appendix 5) is not impacted during regeneration operations;</li> <li>ii conserve the entire extent of the hearth feature within site BCBW18 AS 02 (AHIMS ID 45-5-5164);</li> <li>iii manage the discovery of previously unidentified Aboriginal objects or Aboriginal places on the site; and</li> <li>iv facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and</li> </ul> </li> <li>(e) include a protocol to be implemented in the event that skeletal remains are discovered during the development.</li> </ul> <p>The Applicant must implement the Aboriginal Heritage Management Plan as approved by the Secretary.</p>	AHMP
3	31	<p>If human remains are discovered on the site, then all work in the area surrounding the discovery must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.</p>	AHMP
3	32	<p>If any potential Aboriginal object or Aboriginal place is identified on the site, or suspected to be on the site:</p> <ul style="list-style-type: none"> <li>(a) all work in the immediate vicinity of the object or place must cease immediately;</li> <li>(b) a 10 m buffer area around the object or place must be cordoned off; and</li> <li>(c) Heritage NSW must be contacted immediately.</li> </ul>	AHMP
<b>Sched</b>	<b>Condition</b>	<b>Condition Text</b>	<b>Where covered</b>

3	33	<p>Work in the immediate vicinity of a site identified in condition 32 of this Schedule may only recommence if:</p> <ul style="list-style-type: none"> <li>(a) the object or place is confirmed by Heritage NSW upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal Place;</li> <li>(b) the Aboriginal Cultural Heritage Management Plan is revised to include the object or place and appropriate measures in respect of it; or</li> <li>(c) the Secretary is satisfied with the measures to be implemented in respect of the object or place and makes a written direction in that regard.</li> </ul>	AHMP
3	REHABILITATION		
3		Rehabilitation Objectives	
3	34	The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA (Mod 3 and 4) and shown in Appendix 4, and must comply with the objectives in Table 5.	6.3.2, RMP
3		Progressive Rehabilitation	
3	35	<p>The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.</p> <p>Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to future re-disturbance</p>	RMP
3	35A	The Applicant must complete the backfilling of Pits 1 and 2 within 6 years of commencement of Phase 1, or as otherwise agreed by the Secretary.	RMP
3	35B	The Applicant must complete the backfilling of Pit 3 within 2 years of the date of completion of extraction activities in Pit 3, or as otherwise agreed by the Secretary.	RMP
3		Rehabilitation Management Plan	
3	36	<p>The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared in consultation with the Department, DPIE Water, BCD, TfNSW, relevant WSA authorities and Council;</li> <li>(b) build upon the Rehabilitation Objectives in Table 5 and the proposed rehabilitation strategy described in the EA (Mod 3 and 4) and shown in Appendix 4;</li> <li>(c) investigate options for the future use of disturbed areas following the completion of backfilling operations, having regards to the strategic planning associated with the draft Western Sydney Aerotropolis Plan (or subsequently adopted NSW Government strategic plans);</li> <li>(d) describe and justify the proposed rehabilitation strategy for the site, including the landform and use of the site following the completion of quarry operations;</li> <li>(e) include details of the planting of replacement trees in riparian areas consistent with the Statement of Commitments and with vegetation requirements for WSA to minimise wildlife impacts;</li> </ul>	RMP

3	36	<ul style="list-style-type: none"> <li>(f) describe how the rehabilitation of the site would achieve the objectives identified in Table 5 and the requirements of conditions 35A and 35B of this Schedule;</li> <li>(g) include detailed Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan for evaluating the performance of the rehabilitation of the site;</li> <li>(h) include procedures for the use of interim stabilisation and temporary vegetation strategies, where reasonable to minimise the area exposed for dust generation;</li> <li>(i) to the maximum extent practicable, build on and integrate with the other management plans required under this consent;</li> <li>(j) include a life of mine rehabilitation and mining schedule and a protocol for progressive reviews of key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine closure;</li> <li>(k) include an overview of the identified risks to achieving successful rehabilitation and strategies to be implemented to address these risks;</li> <li>(l) include a program to monitor, audit and report on the progress against the Rehabilitation Objectives and Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan; and</li> <li>(m) describe the measures to be implemented to ensure compliance with the relevant conditions of this consent, including intervention and adaptive management techniques that may be required to ensure rehabilitation remains on a trajectory of achieving the Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan as soon as reasonably practical.</li> </ul> <p>Note: The Rehabilitation Management Plan may be combined with a Mining Operations Plan, or similar plan, required under the mining lease granted for the development.</p>	RMP
3	VISUAL		
3	37	The Applicant must implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development to the satisfaction of the Secretary.	6.3.11
3	37A	Within 3 months of commencing quarrying operations in Pit 3, the Applicant must construct landscaped earthen bunds and plant vegetation screens (as shown conceptually in Appendix 3), to minimise the visual impacts of the development. The landscaped earthen bunds and plant vegetation screens must be maintained until the Pit 3 area has been fully rehabilitated.	VIMP
3	37B	Within 6 months of the Secretary being advised of the confirmed Eastern Airport Ring Road alignment, as required under condition 25C of this Schedule, the Applicant must construct landscaped earthen bunds and plant vegetation screens around the brickmaking facility and raw material stockpile (as shown conceptually in Appendix 3), to minimise the visual impacts of the development. The landscaped earthen bunds and plant vegetation screens must be maintained for the life of the development.	VIMP
<b>Sched</b>	<b>Condition</b>	<b>Condition Text</b>	<b>Where covered</b>
3	37C	The Applicant must ensure that all outdoor and external lighting at the site: <ul style="list-style-type: none"> <li>(a) complies with AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting; and</li> </ul>	VIMP

		(b) is designed in accordance with any Civil Aviation Safety Authority requirements for the WSA and is mounted, screened and directed in such a manner that it does not cause distraction or confusion to pilots due to light spill above the horizontal plane.	
3		Visual Impact Management Plan	
3	37D	<p>Visual Impact Management Plan</p> <p>Within 6 months of consent of Modification 3 and 4, the Applicant must prepare a Visual Impact Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced person/s;</li> <li>(b) be prepared in consultation with Council, TfNSW and relevant WSA authorities;</li> <li>(c) describe the measures to be implemented to minimise the visual, landscaping and off-site lighting impacts of the development to the WSA and surrounding community;</li> <li>(d) include a landscaping strategy to shield public views of the development (including views from the Eastern Airport Ring Road) that includes: <ul style="list-style-type: none"> <li>• the measures identified in the EA (Mod 3 and 4);</li> <li>• a vegetation strategy utilising a diversity of local provenance tree species from the native vegetation community (or communities) that occur or once occurred on the site, and would minimise wildlife attraction;</li> <li>• a bund vegetation and maintenance schedule; and</li> <li>• procedures to notify, consult with and implement site-specific mitigation measures at affected privately-owned residences;</li> </ul> </li> <li>(e) include a program to monitor and report on the implementation and effectiveness of the mitigation measures; and</li> <li>(f) include a protocol to update the plan to include the requirements of condition 37A and 37B of this Schedule, once the Secretary has been advised of the confirmed Eastern Airport Ring Road alignment, as required under condition 25C of this Schedule.</li> </ul> <p>The Applicant must implement the Visual Impact Management Plan as approved by the Secretary.</p>	VIMP
3	WASTE		
3	38	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>(a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of the EPA and Council;</li> <li>(b) minimise the waste generated by the development;</li> <li>(c) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and</li> <li>(d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.</li> </ul> <p><i>Note: Consent pursuant to Section 68 of the Local Government Act 1993 is required from Council for onsite sewage management systems.</i></p>	WMP

3	39	Except as expressly permitted in an EPL and/or the conditions of this consent, the Applicant must not receive waste on the site for storage, treatment, processing, reprocessing or disposal.	WMP
3	39A	FILL Management Plan	
		<p>Prior to the import of FILL to the site, the Applicant must prepare a FILL Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>• identify the quantities of FILL to be imported to site;</li> <li>• describe:</li> <li>• the procedures for monitoring FILL imported to the site to ensure that it meets relevant quality specifications for FILL;</li> <li>• management measures for the emplacement and temporary stockpiling of FILL;</li> <li>• a protocol to prevent materials that fail to meet the requirements of the ENM Exemption and ENM Order from being accepted;</li> <li>• the management of reject materials;</li> <li>• the process for handling FILL for use in rehabilitation;</li> <li>• measures for the on-site use of water captured in sediment basins to ensure that the water does not present a contamination risk; and</li> <li>• processes for assessing, recording, handling and managing any contamination found on the site; and</li> <li>• provide an indicative schedule of FILL material to be imported to the site for each Phase of the development, in order to achieve the conceptual final landform.</li> </ul> <p>The Applicant must implement the FILL Management Plan as approved by the Secretary.</p>	VMP
3	LIQUID STORAGE		
3	40	The Applicant must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.	Section 6.2
3	DANGEROUS GOODS		
3	41	The Applicant must ensure that the storage, handling, and transport of dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code.	Section 6.2
3	FIRE SAFETY		
3	42	<p>The Applicant must:</p> <ol style="list-style-type: none"> <li>(a) ensure that the development is suitably equipped to respond to any fires on site; and</li> <li>(b) assist the emergency services to the extent practicable if there is a fire in the vicinity of the site.</li> <li>(c) ensure that the development provides for asset protection in accordance with the relevant requirements in Planning for Bushfire Protection 2019 (NSW RFS 2019).</li> </ol>	EMRP

Sched	Condition	Condition Text	Where covered
4		ADDITIONAL PROCEDURES	
4		NOTIFICATION OF LANDOWNERS	
4	1	As soon as practicable, and no longer than 7 days, after obtaining monitoring results showing: (a) an exceedance of any criteria in Schedule 3, the Applicant must notify the affected landowners in writing of the exceedance, and provide regular monitoring results, at least every 3 months, to each affected landowner until the development is again complying with the relevant criteria; and	9.2
4		(b) an exceedance of any air quality criteria in Schedule 3, the Applicant must send a copy of the NSW Health fact sheet entitled “Mine Dust and You” (as may be updated from time to time) to the affected landowners and current tenants of the land (including the tenants of land which is not privately-owned).	9.2
4		INDEPENDENT REVIEW	
4	2	<p>If a landowner considers the development to be exceeding the relevant criteria in Schedule 3, they may ask the Secretary in writing for an independent review of the impacts of the development on their land.</p> <p>If the Secretary is not satisfied that an independent review is warranted, the Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.</p> <p>If the Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Secretary and the landowner, of the Secretary’s decision, the Applicant must:</p> <ul style="list-style-type: none"> <li>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to: <ul style="list-style-type: none"> <li>• consult with the landowner to determine his/her concerns;</li> <li>• conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3; and</li> <li>• if the development is not complying with these criteria, then identify measures that could be implemented to ensure compliance with the relevant criteria;</li> </ul> </li> <li>(b) give the Secretary and landowner a copy of the independent review; and</li> <li>(c) comply with any written requests made by the Secretary to implement any findings of the review.</li> </ul>	9.3

5	ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING		
5	1	<p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:</p> <ul style="list-style-type: none"> <li>(a) be submitted to the Secretary for consent within 6 months of the determination of Modification 3 and 4, unless otherwise agreed by the Secretary;</li> <li>(b) provide the strategic framework for environmental management of the development;</li> <li>(c) identify the statutory consents that apply to the development;</li> <li>(d) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</li> <li>(e) set out the procedures to be implemented to: <ul style="list-style-type: none"> <li>• keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>• receive, record, handle and respond to complaints;</li> <li>• resolve any disputes that may arise during the course of the development;</li> <li>• respond to any non-compliance and any incident; and</li> <li>• respond to emergencies; and</li> </ul> </li> <li>(f) include: <ul style="list-style-type: none"> <li>• references to any strategies, plans and programs approved under the conditions of this consent; and</li> <li>• a clear plan depicting all the monitoring to be carried out under the conditions of this consent.</li> </ul> </li> </ul> <p>The Applicant must implement any Environmental Management Strategy as approved by the Secretary.</p>	Refer to table in Section 1.1
5	Evidence of Consultation		
5	2	<p>Where the conditions of this consent require consultation with an identified party, the Applicant must:</p> <ul style="list-style-type: none"> <li>(a) consult with the relevant party prior to submitting the subject document to the Secretary for consent; and</li> <li>(b) provide details of the consultation undertaken, including: <ul style="list-style-type: none"> <li>• the outcome of that consultation, matters resolved and unresolved; and</li> <li>• details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed any unresolved matters.</li> </ul> </li> </ul> <p>However, if the Secretary agrees, a strategy, plan or program may be prepared without consultation being undertaken with an identified party required under a condition of this consent.</p>	6.0 and within each management plan

Sched	Condition	Condition Text	Where covered
5	3	<p><b>Management Plan Requirements</b></p> <p>The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) a summary of relevant background or baseline data;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> <li>the relevant statutory requirements (including any relevant consent, licence or lease conditions);</li> <li>any relevant limits or performance measures/criteria; and</li> <li>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;</li> </ul>	6.0 and within each management plan
5		<p>(c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> <li>impacts and environmental performance of the development ; and</li> <li>effectiveness of any management measures (see (c) above);</li> </ul>	Within each management plan
5		<p>(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;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the development over time;</p>	Within each management plan
		<p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> <li>incidents;</li> <li>complaints; and</li> <li>non-compliances with statutory requirements;</li> </ul>	Within each management plan
5		<p>(h) a protocol for periodic review of the plan; and</p> <p>(i) a document control table that includes version numbers, dates when the management plan was prepared and reviewed, names and positions of the person/s who prepared and reviewed the management plan, a description of any revisions made and the date of the Secretary's consent.</p>	Within each management plan
5		Application of Existing Strategies, Plans and Programs	
5	4	The Applicant must continue to apply existing management plans, strategies or monitoring programs approved prior to the consent of Modification 3 and 4, until the consent of a similar plan, strategy or program following the consent of Modification 3 and 4.	Noted
5		Revision of Strategies, Plans & Programs	

Sched	Condition	Condition Text	Where covered
5	5	<p>Within 3 months of:</p> <ul style="list-style-type: none"> <li>(a) the submission of an incident report under condition 10 below;</li> <li>(b) the submission of an Annual Review under condition 12 below;</li> <li>(c) the submission of an Independent Environmental Audit report under condition 14 below; and</li> <li>(d) the consent any modifications to this consent,</li> </ul> <p>the Applicant must review the suitability of all strategies, plans and programs required under this consent, to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the consent of the Secretary.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• <i>The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.</i></li> <li>• <i>In the event of an inconsistency between condition 5(d) above and any condition in Schedule 3 of this consent, the latter prevails.</i></li> </ul>	8.2
5		Updating and Staging of Strategies, Plans or Programs	
5	6	<p>With the consent of the Secretary, the Applicant may:</p> <ul style="list-style-type: none"> <li>(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);</li> <li>(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</li> <li>(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).</li> </ul>	Noted Section 2.2
5		Adaptive Management	
5	7	The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.	2.5
5		<p>Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must as soon as becoming aware of any exceedance:</p> <ul style="list-style-type: none"> <li>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur;</li> <li>(b) consider all reasonable and feasible options for remediation (where relevant);</li> <li>(c) within 14 days of the exceedance occurring, submit a report to the Secretary describing these remediation options and any preferred remediation measures or other course of action; and</li> <li>(d) implement remediation measures as directed by the Secretary; to the satisfaction of the Secretary.</li> </ul>	9.0
5		COMMUNITY CONSULTATIVE COMMITTEE	

Sched	Condition	Condition Text	Where covered
5	8	The Applicant must establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. The CCC must be established prior to recommencing quarrying operations and be operated in general accordance with the Department's Community Consultative Committee Guidelines, November 2016 (or later version).	CCP
5		<p><i>Notes</i></p> <ul style="list-style-type: none"> <li>• The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.</li> <li>• In accordance with the guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.</li> <li>• The Applicant may, with the consent of the Secretary, combine the function of this CCC with the functions of other CCCs in the area.</li> </ul>	
5		REPORTING	
5		Incident Reporting	
5	9	The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be made in writing through the Department's Major Developments Website and identify the development (including the development application number and name) and set out the location and nature of the incident.	9.2
5	10	<p>Non-Compliance Notification</p> <p>Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be made in writing through the Department's Major Developments website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why 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.</p> <p><i>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</i></p>	9.2
5		Regular Reporting	
5	11	The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.	9.1.4
5		Annual Review	

Sched	Condition	Condition Text	Where covered
5	12	<p>Prior to recommencing quarrying operations or FILL import, and annually thereafter, the Applicant must submit a review to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including any progressive rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>• relevant statutory requirements, limits or performance measures/criteria;</li> <li>• requirements of any plan or program required under this consent;</li> <li>• monitoring results of previous years; and</li> <li>• relevant predictions in the documents listed in condition 3 of Schedule 2;</li> </ul>	8.1
5		<p>(c) evaluate and report on:</p> <ul style="list-style-type: none"> <li>• the effectiveness of the air quality and noise management systems; and</li> <li>• compliance with the performance measures, criteria and operating conditions in this consent.</li> </ul> <p>(d) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence:</p> <p>(e) identify any trends in the monitoring data over the life of the development;</p> <p>(f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(g) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.</p>	8.1
5		The Applicant must ensure that copies of the Annual Review are submitted to Council and are available to the Community Consultative Committee (see condition 8 of Schedule 5) and any interested person upon request.	8.1
5	INDEPENDENT ENVIRONMENTAL AUDIT		
5	13	<p>Within 12 months of the commencement of Phase 1, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <p>(a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with the relevant agencies and the CCC;</p> <p>(c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL or necessary water licences for the development (including any assessment, strategy, plan or program required under these consents);</p> <p>(d) review the adequacy of strategies, plans or programs required under the abovementioned consents;</p>	9.4.1

5		(e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned consents; and	9.4.1
5		(f) be conducted and reported to the satisfaction of the Secretary.	9.4.1
5	14	Within 12 weeks of commencing this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of these recommendations as required. The Applicant must implement these recommendations, to the satisfaction of the Secretary.	9.4.1
5	14A	<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&amp;A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.</p> <p>Note: For the purposes of this condition, as set out in the EP&amp;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 “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.</p>	Noted
5	ACCESS TO INFORMATION		
5	15	<p>Within 3 months of the determination of Modification 3 and 4, until the completion of all works, including rehabilitation and remediation the Applicant must:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> <li>• the documents listed in condition 3 of Schedule 2;</li> <li>• current statutory consents for the development;</li> <li>• all approved strategies, plans and programs required under the conditions of this consent;</li> <li>• regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;</li> <li>• 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;</li> <li>• summary of the current stage and progress of the development;</li> <li>• contact details to enquire about the development or to make a complaint;</li> <li>• a complaints register, updated at least monthly;</li> <li>• the Annual Reviews of the development;</li> <li>• any Independent Environmental Audit as described in condition 13 above, and the Applicant’s response to the recommendations in any audit; and</li> <li>• any other matter required by the Secretary; and</li> </ul> <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	pghbricks.com.au



### 3.1 Limits of Consent

The Coc provides the limits in Table 3 relevant to Phase 1.

Table 3 Limits of consent

Consent Condition	Limitations
<b>S2 C12</b>	<ul style="list-style-type: none"> <li>• Prior to Martin Rd – Elizabeth Dr intersection upgrade total truck movements to or from the site (phase 1,2 &amp;3) must not exceed:               <ul style="list-style-type: none"> <li>– 120 per day Monday to Friday between 6:00 am and 10:00 pm</li> <li>– 40 per day on Saturday between 6:00 am and 6:00 pm;</li> <li>– 40 per day on Sunday – between 9:00am and 6:00pm (FILL only)</li> <li>– Public Holidays - NIL</li> </ul> </li> <li>• Following completion of the Martin Rd – Elizabeth Dr intersection upgrade total truck movements to or from the site (phase 1,2 &amp;3) must not exceed:               <ul style="list-style-type: none"> <li>– 800 per day Monday to Friday between 6:00 am and 10:00 pm</li> <li>– 358 per day on Saturday between 6:00 am and 6:00 pm;</li> <li>– 200 per day on Sunday between 9am and 6pm (FILL only)</li> <li>– Public Holidays - NIL</li> </ul> </li> </ul>
<b>S2 C 19</b>	Extraction or any works in the extraction area may not proceed beyond 35m below the pre-existing natural surface of the ground, other than approved construction of bores or in-pit sumps and within the approved extraction areas.

### 3.2 Hours of Operation

The operating hours relevant to Phase 1 prescribed in Schedule 3, Condition 1 of the development consent are reproduced in Table 4.

Table 4 Operating hours

Activity	Permissible Hours
Truck arrival and dispatch (FILL import only)	7:00 am to 6:00 pm Monday to Saturday
	9:00 am to 6:00pm Sunday
	At no time on or public holidays
Maintenance	At any time, provided that these activities are not audible at any privately-owned residence outside of permissible hours for quarrying operations

## 4 Regulatory Framework

### 4.1 Environmental Legislation

The following legislation is relevant to the development:

- Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act);
- NSW Environmental Planning and Assessment Act 1979 (EP&A Act);
- NSW Water Management Act 2000;
- NSW Protection of the Environment Operations Act 1997 (PoEOA);
- NSW Protection of the Environment Operations (Clean Air) Regulation 2010;
- NSW Biosecurity Act 2015;
- NSW National Parks and Wildlife Act 1974 (NPW Act);
- NSW Biodiversity Conservation Act 2016;
- NSW Fisheries Management Act 1994;
- NSW Contaminated Land Management Act 1997 (CLM Act);
- NSW Roads Act 1993;
- Road Rules 2014;
- NSW Mining Act 1992; and
- NSW Local Government Act 1993.
- POEO Waste Regulation 2014.

### 4.2 Planning Instruments

The following planning instruments are relevant to the development:

- State Environmental Planning Policy (SEPP) (Major Development) 2005;
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007;
- SEPP (Sydney Region Growth Centres) 2006;
- SEPP 33 Hazardous and Offensive Industries;
- SEPP 44 Koala Habitat Protection;
- SEPP 55 Remediation of Land; and
- Liverpool Local Environmental Plan.

### 4.3 Codes, Standards and Guidelines

- The Building Code of Australia;
- Australian Standards relating to construction, demolition, storage and transport of liquid and solid dangerous goods;
- Dangerous Goods Code;
- Applying SEPP 33 - Hazardous and Offensive Development Application Guidelines, developed by the NSW Department of Infrastructure, Planning and Natural Resources (DIPNR, 1994); and
- Compliance Reporting Post Consent Requirements, (DPI&E as updated from time to time).

Other aspect-specific Standards and Guidelines are listed under the various environmental management plans.

## 4.4 *Permits and Licences.*

### 4.4.1 **Environment Protection Licence 684**

The site is subject to Environment Protection Licence (EPL) 684, issued under the NSW PoEO Act. The EPL includes the following requirements in relation to air quality and noise management and monitoring measures:

- Noise from the premises (excluding mobile plant) must not exceed:
  - An LA10 (15 minute) noise emission criterion of 55dB(A) (0700 to 2200) Monday to Saturday and 0800 to 2200 Sundays and Public Holidays; and
  - An LA10 (15 minute) noise emission criterion of 40dB(A) at all other times, except as expressly provided by this licence.
- Noise from the operation of mobile plant must not exceed:
  - An LA10 (15 minute noise emission criterion of 50dB(A) > (0700 to 2200) Monday to Saturday and 0800 to 2200 Sundays and Public Holidays; and
  - An LA10 (15 minute noise emission criterion of 40dB(A) at all other times, except as expressly provided by this licence.
- An emergency response plan (including PRIMP) must be prepared and implemented for the premises.
- The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

Reporting protocols are included in section 9.0.

### 4.4.2 **Mining Lease 1771**

The site is subject to Mining Lease (ML) 1771, issued under the NSW *Mining Act 1992*. The ML requires the preparation of a Mining Operations Plan (MOP) that details how mining operations will be undertaken in such a way as to prevent or minimise harm to the environment. Reporting requirements of the ML are described in section 9.0.

### 4.4.3 **Water Licence**

Approval number 10WA109463 for supply works was issued under the Water Management Act 2000 from 1/7/2011 until 8/11/2025 for the Sydney Basin Central Groundwater source under the Greater Metropolitan Region Groundwater Sources water sharing plan. The works licenced is excavations on Lot 1 DP 373863 and Lot 1 DP 1035249. A water access licence number 24346 is issued under that approval for 25 ML per year. The status is current and continuing.

A logbook is required to record the following regarding any water taken:

- Confirmation that a “Cease to take condition” does not apply, including date, time and flow rate or level at reference point;
- Purpose for water taken; and
- Date, volume, start and end time of pump, pump capacity.

#### **4.4.4 Enforceable Undertaking**

On 3 June 2020 PGH Bricks and Pavers entered into an Enforceable Undertaking (EU) with the Natural Resources Access Regulator (NRAR).

The EU requires PGH to:

- Supply the pit stored water from the site to Western Sydney Airport Corporations (WSA)
- Undertake works to prevent further surface water to enter the open pits, these works need to be completed by 30 March 2021.

The EU will be in place for a further 3 years after the completion of the works to prevent surface water entering the pits.

## 5 Organisation, Training and Resource Requirements

### 5.1 Organisation, Roles and Responsibilities

Environmental management for the Badgerys Creek facility is overseen by the Workplace Health Safety and Environment (WHSE) Personnel, and the environmental management measures throughout the site are implemented through the facility site management structure at the time. The activities on the site may vary and are not defined at this time, they will be identified per work package and staging of the overall development.

The Site Manager (subject to the phasing/work package for the development that can be the production, mining or site rehabilitation) will be ultimately responsible for the general development at Badgerys Creek including the environmental management.

Roles and responsibilities will be developed further with input from site management as this structure is put in place. In the absence of any site management structure the Senior Development Manager at CSR will be responsible for the site.

### 5.2 Training

Employees, Contractors, including sub-contractors and visitors are required to complete an induction and/or training prior to the commencement of the works at the Development Site so that they 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. The induction will inform personnel of their WHSE responsibilities and gain the necessary knowledge and skills to fulfil their roles on the site.

Induction will be a CSR induction that comprises:

- introduction to CSR and overview of scope of operations;
- overview of Company Policies, including WHSE and explanation of company safety culture and standards;
- key CSR WHSE procedures
- And a site induction that covers:
  - overview of scope of the Badgerys Creek development;
  - specific requirements of the Badgerys Creek site;
  - emergency contacts and incident reporting procedures;
  - emergency response and notification including site evacuation / fire spill response etc;
  - Works undertaken will involve development of a safe work method statement or job safety and environmental analysis that covers the specific aspects of WHSE risk for the task and outlines the control measures. Through this process, specific procedures and training pertinent to the task will be covered to minimise the opportunity for risk.  
This process will cover (as appropriate to activity):  
description of proposed works/development to be conducted;
- location of, and respect for neighbours and adjoining properties;
- permitted hours of (different aspect of the development) operations/specific noise limitations;
- site WHS requirements including:

- heavy and light plant and equipment operations/restrictions;
  - site Traffic control and Traffic Management Plan/hours of operation/access;
  - Job Safety Analyses / Safe Work Method Statements / Risk Assessment / WHS legislative requirements / Hazards/ Controls / Systems and Procedures;
  - authority to work permits;
  - chemical handling and storage; manual Handling; and spill response and procedures.
- supervisors and key personnel;
  - site environmental monitoring and requirements;
  - waste controls and recycling;
  - site water controls and systems including erosion control;
  - restricted areas and special operations/sensitive areas;
  - location and description of site facilities/amenities;
  - discharges to air and water;
  - cultural issues and notification processes should work be carried out in a sensitive area;
  - weed and pest control and flora and fauna preservation;
  - fire controls;
  - Unexpected finds procedure (esp as applicable to Aboriginal heritage).

### **5.3 Resource Requirements**

Specific resource requirements are outlined in the various environmental management plans for the Badgerys Creek Development. These include environmental monitoring equipment.

For specialist environmental monitoring CSR will engage the following:

- air quality specialists for air quality monitoring;
- acoustic specialists, for noise monitoring;
- water quality specialists, for surface water and groundwater monitoring; and
- NATA-accredited analytical laboratories for water and dust analysis.

## **6 Environmental Management Measures**

In addition to meeting the specific performance measures and criteria established under the consent, CSR will implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the Development, and any rehabilitation required under the consent.

### **6.1 Management Plan Requirements**

The appended management plans have been prepared in accordance with Schedule 5, Condition 3 of the Development Consent.

Where the conditions of the consent require consultation with an identified party, CSR will:

- consult with the relevant party prior to submitting the subject document to the Secretary for approval; and
- provide details of the consultation undertaken within the relevant document, including:
  - the outcome of that consultation, matters resolved and unresolved; and
  - details of any disagreement remaining between the party consulted and the operator and how any unresolved matters have been addressed.

## 6.2 Construction Environmental Management

All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, will be constructed in accordance with the Building Code of Australia. All demolition work will be carried out in accordance with the relevant Australian Standard, as may be updated from time to time.

All tanks and similar storage facilities except those used for water will be constructed and appropriately banded in accordance with the relevant Australian Standards.

Storage handling and transportation of dangerous goods will be undertaken in accordance with Australian Standards and the Dangerous Goods Code, as may be updated from time to time.

## 6.3 Operational Environmental Management

Potential impacts associated with operation of the Development will be managed in accordance with the Statement of Commitments in the modifications 3 and 4 environmental assessments and the revised commitments in the corresponding response to submission reports. These commitments are in Appendix 6 of the Development Consent and those relevant to Phase 1 are replicated in Table 5.

These management measures are also provided in the corresponding management plans described in Section 1.3 where required.

Table 5 Environmental management measures

Statement of Commitments	Timing/ frequency
<b>General</b>	
1. The Applicant shall implement all practicable measures to prevent or minimise harm to the environment that may result from the construction, operation or rehabilitation of the development.	Duration of the Development
2. CSR will apply to amend EPL 684 to reflect the development.	As required
3. The environmental management strategy and sub plans will be amended to reflect the development.	As required
<b>Air quality</b>	
4. The Applicant will prepare an Air Quality and Green House Gas Management Plan (AQGHGMP) for the development to the satisfaction of the Director-General. The AQGHGMP will outline the purpose, methodology and expected outcomes of the dust monitoring, and will include the following content:	Prior to FILL importation
<ul style="list-style-type: none"> <li>▪ Dust fraction to be measured, i.e. TSP, PM10, PM2.5 etc.;</li> </ul>	

<ul style="list-style-type: none"> <li>▪ Equipment to be used to measure selected dust fraction;</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Frequency of the monitoring, i.e. sample collection schedule;</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Duration of the monitoring program;</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Location of the monitoring station/s;</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Standards/guidelines that are to be followed for location/construction of the monitoring station, equipment calibration, collection of samples and analysis of samples;</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Calibration methodology and schedule;</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Reporting procedure;</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Regulatory guidelines and compliance criteria;</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Action levels and contingency measures in the event that pollutant concentrations approach or are likely to exceed the relevant compliance criteria; and</li> </ul>	
<ul style="list-style-type: none"> <li>▪ A consultation program that involves nearby agricultural producers and residents, in order to determine if the dust mitigation measures are being affective.</li> </ul>	
<p>5. The AQGHGMP will detail measures to control dust and emissions from the Development Site including the following measures:</p>	
<ul style="list-style-type: none"> <li>▪ Haul roads should be watered using water carts such that the road surface has sufficient moisture to minimise visible on-road dust generation but not so much as to cause pooling and mud/dirt track out to occur</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Unloading of trucks containing raw or unusable extracted material to be controlled using water sprays/dust suppression when generating excessive visible dust.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Dust from existing stockpiles of unusable material and open pits to be controlled using water sprays with chemical additives (surfactants);</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Completed pits to be revegetated as soon as practicable after completion of quarrying activities.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Disturbed soil surfaces to be revegetated in accordance with the RMP for the Development Site.</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Operational practices to be reviewed to ensure ‘best practice’ techniques are being employed and that operational equipment is working efficiently</li> </ul>	
<p>(6) The existing HVAS will be moved to as close to the northern boundary of the property and the closest sensitive receiver as possible.</p>	<p>Prior to FILL importation</p>

(7) The existing deposited dust gauges will be relocated to appropriate positions as close to the property boundaries and nearest sensitive receivers as possible.	Prior to FILL importation
(8) If HVAS and deposited dust air quality monitoring identifies ongoing exceedances of the relevant air quality criteria then the reactive dust management program may need to be reinstated at the site.	As required
<b>Noise</b>	
9. The Applicant will implement all practicable measures to undertake the development in a way that minimises the noise generated. The Applicant has made the following commitments in relation to operation noise management:	Duration of the Development
10. The Applicant will conduct quarrying activities at the Development Site only between the following hours: * 7.00 am to 6.00 pm Monday to Saturday.	As required
11. The Applicant will remove overburden only between the following hours: * 7.00 am to 6.00 pm Monday to Saturday.	As required
12. The Applicant will operate the Brick making facility and storage yard at the Development Site 24 hours a day, Monday to Sunday.	As required
13. The Applicant will receive and dispatch finished building products only between the following hours: * 5.00 am to 10.00 pm Monday to Friday. * 6.00 am to 6.00pm Saturday.	As required
14. The Applicant will receive and dispatch raw material only between the following hours: * 6.00 am to 10.00 pm Monday to Friday. * 6.00 am to 6.00pm Saturday.	As required
15. The Applicant will conduct cash sales only between the following hours: * 6.00 am to 6.00 pm Monday to Saturday.	As required
16. The Applicant will operate the sales selection/customer display centre only between the following hours: *8.00 am to 5.00 pm Monday to Sunday.	As required
17. Construction works shall be limited to 7am to 6pm Monday to Friday and 8am to 1pm on Saturdays.	During construction
18. A CNVMP will be prepared and implemented during development construction.	Prior to works
18. The construction noise mitigation measures described in Chapter 5.5 of the preferred development noise impact assessment report (appended to the RTS) shall be implemented.	During construction
19. Vibration during construction will be managed through the CNVMP to ensure that vibration impacts comply with the limits prescribed in British Standard BS 7385 for structural damage and in Assessing Vibration: a technical guide (DECCW, 2006) for human response.	During construction
20. The Applicant and/or its appointed contractors will select and maintain bulk earthwork machinery as specified in the preferred development noise impact assessment report (appended to the RTS).	Duration of the Development
21. Broadband reversing alarms or other non-tonal vehicle movement and warning alarms shall be fitted to all machinery on site. The potential noise impact associated with reversing alarms shall be managed and minimised via a combination of proactive driver/operator training and operational procedures.	Duration of the Development

<p>22. The Applicant shall implement a noise monitoring programme which would involve quarterly attended noise monitoring at a number of nearby identified receiver locations for 12 months after all Modification 3 and 4 activities are in full operation. If there are no exceedances of the development noise trigger levels during quarterly noise monitoring during the first year of monitoring then noise monitoring will cease. Additional noise monitoring would be undertaken in response to any noise complaints.</p>	<p>For the first 12 months of the Development</p>
<p>23. The Applicant shall undertake consultation with identified Martin Road residential receivers predicted to exceed the RNP criteria and conduct further investigation of their residences (as detailed in Section 2.3.3 and 4.1 of the RTS) to determine whether they qualify for and require the 'Type 1' treatment package from RMS's (2015) At-receiver Treatment Guideline.</p>	<p>Prior to increase of heavy vehicle movements above the original Development Approval heavy vehicle movement limits</p>
<p>23. Further investigations of the six residences potentially affected by road noise will be undertaken prior to increasing heavy vehicle movements along Martin Road above the approved heavy vehicle numbers and no greater than 180 truck movements in the daytime period. The investigation will determine whether the residences require the 'Type 1' treatment package from RMS's (2015) At-receiver Treatment Guideline.</p>	<p>Prior to increase of heavy vehicle movements above the original Development Approval heavy vehicle movement limits</p>
<p>24. Prior to construction of the Martin Road-Elizabeth Drive intersection, existing road noise levels would be qualified to determine if architectural treatment should be offered to receivers along Elizabeth Drive raising complaints about increased road noise levels.</p>	<p>Prior to construction of intersection</p>
<p>24. The Applicant will maintain a noise complaint register.</p>	<p>Duration of the Development</p>
<p><b>Surface water – stormwater management</b></p>	
<p>25. The Applicant shall manage surface water on the Development Site in accordance with the WMP prepared for the Development Site and revised for the development, including surface water management measures include in the Modification 3 and 4 EA and the RTS.</p>	<p>Duration of the Development</p>
<p>26. If during the operational phase of the quarry or on completion of the quarry operations, the Applicant wishes to make use of the water from the pits/dams in the brick making process or for reuse at other premises offsite etc, a licence will be obtained from DPIE.</p>	<p>Prior to dewatering of pits</p>
<p>27. Sediment basins 4, 5 and 6 and the new basins at the raw material stockpile area and Pit 3 will be sized and operated in accordance with Landcom's (2004) Managing Urban Stormwater: Soils &amp; Construction. If any of these basins are to be modified to perform additional stormwater treatment functions in future (other than sediment capture), then appropriate modelling and design of the basins will be required at that time. In this case monitoring of discharges from the basin at Pit 3 to South Creek will be required.</p>	<p>Prior to works</p>
<p>28. The site WMP will be revised prior to commencement of the modification to include the revised surface water management approach, and monitoring of any water discharged from the site.</p>	<p>Prior to works</p>
<p><b>Surface water – monitoring</b></p>	
<p>29. Electrical conductivity, pH, total nitrogen, total suspended solids, turbidity, total alkalinity, arsenic and copper will be monitored at the discharge points to Badgerys Creek and South Creek. Discharges will be monitored daily during the</p>	<p>Duration of the Development</p>

first month of continuous discharge, then weekly if the first month of data does not exceed concentration limits. Monitoring will revert to daily if any limits are exceeded and/or concentrations are reduced below limits.	
30. Total dissolved solids, total phosphorus, arsenic, cadmium, chromium, lead, nickel, zinc and mercury will be sampled weekly during the first two months, which will reduce to monthly if there are no exceedances.	Duration of the Development
31. The analytes previously sampled in Pit 1 will be monitored at three depth levels from the surface to 6 m at two locations near the discharge point to Badgerys Creek. Water will be monitored weekly for three weeks prior to discharge, then monthly. This monitoring will continue for the life of the development, and in the perched treatment basin described above.	Duration of the Development
32. Similar sampling is also required for the new basin at Pit 3 if the basin is being used to treat Pit 3 water (other than sediment capture). The list of analytes may be able to be reduced according to the future quality of stormwater collected in Pit 3.	Duration of the Development
<b>Surface water – licensing and approvals</b>	
33.CSR will apply to the EPA to amend the EPL to incorporate the discharge rates and concentration limits for relevant physical and chemical stressors, and toxicants, at the discharge point to Badgerys Creek.	Prior to works
34.CSR will apply to the EPA to amend the EPL, if and when required, to incorporate appropriate discharge rates and concentration limits for discharges from the basin at Pit 3, for which time the basin provides additional water treatment other than sediment capture.	As required
35.CSR will consult DPIE Water on the need for water licenses associated with the modification.	Prior to works
36. The EPA will be engaged, post approval, to determine whether the pit water must be classified in terms of the Protection of the Environment Operations Act 1997 (POEO Act) and to include the discharge point in the EPL.	Prior to works
<b>Surface water – erosion and sediment control</b>	
37. Erosion and sediment controls will be implemented at the pit areas once they are filled with FILL and rehabilitation has commenced. These measures will remain in place until surfaces are fully stabilised.	During rehabilitation
38. Erosion and sediment controls will be implemented along the unsealed FILL haul road, which will direct runoff to the pits or local sediment traps.	Duration of the Development
<b>Groundwater</b>	
39. The Applicant shall prepare and implement a Groundwater Monitoring Program for the Development Site generally in accordance with the methodology provided in Chapter 11 of the 2011 EA, subject to consultation with the DPIE (water, lands and primary industry) and the satisfaction of the Director-General of the DP&I.	Prior to and for the duration of the development
40. The WMP will be updated to include the groundwater monitoring network and a TARP for exceedances of groundwater criteria, which will be developed based on the baseline groundwater data.	Prior to works
41. The Applicant shall report the results of the Groundwater Monitoring Program to the Secretary of the DPIE on an annual basis.	Duration of the Development
42. The Applicant shall implement appropriate management measures in relation to groundwater as indicated by the Monitoring Program and agreed with the Secretary.	Duration of the Development

43. A licence to authorise any groundwater monitoring installation, required as part of this development, shall be obtained from the DPIE Water prior to any drilling commencing.	Prior to works
<b>Rehabilitation</b>	
45. The site will be progressively rehabilitated in accordance with the approved rehabilitation strategy and rehabilitation management plan.	During rehabilitation
46. The rehabilitation strategy and rehabilitation management plan will be revised to incorporate the development, and any additional management strategies to ensure temporary stabilisation of exposed surfaces, permanent stabilisation strategies and progressive rehabilitation with groundcover vegetation.	Prior to works
47. The rehabilitation management plan will be revised to exclude plant species that are known to attract wildlife and grow to a size which will penetrate the OLS.	Prior to works
48. The Applicant shall carry out rehabilitation works at the Development Site in accordance with the RMP prepared for the Development Site.	During rehabilitation
49. The Applicant will prepare a Final Landform Rehabilitation Plan in consultation with the DPIE two years prior to the completion of all approved quarrying activities.	Two years prior to the completion of quarrying
<b>Traffic and transport</b>	
50. The Applicant shall manage traffic movements to and from the Development Site generally in accordance with the following:	
<ul style="list-style-type: none"> <li>▪ Personnel operating trucks and vehicles to and from the Development Site would be required to undertake a site-specific health and safety induction, specifying operating hours and vehicle speed limits on Martin Road.</li> </ul>	Duration of the Development
<ul style="list-style-type: none"> <li>▪ A heavy vehicle protocol would be developed for the Development Site and distributed to relevant staff and contractors during induction procedures. The protocol would deal with such issues as timing of vehicle movements, idling of vehicles, speed limits and parking.</li> </ul>	Prior to works
<ul style="list-style-type: none"> <li>▪ Unnecessary vehicle movements would be minimised where possible.</li> </ul>	Duration of the Development
<ul style="list-style-type: none"> <li>▪ Deliveries would be scheduled on larger capacity 'Truck and Trailer' vehicles rather than 'Truck Only' vehicles where possible to minimise truck movements.</li> </ul>	Duration of the Development
<ul style="list-style-type: none"> <li>▪ A construction traffic management plan will be prepared and implemented to manage impacts on the road network, including the intersection, from construction vehicles.</li> </ul>	Prior to and for the duration of the development
<ul style="list-style-type: none"> <li>▪ Traffic signals and road upgrades will be constructed at the Martin Road-Elizabeth Drive intersection prior to increasing heavy vehicle movements from the development above the approved heavy vehicle numbers.</li> </ul>	Prior to increase of heavy vehicle movements above the original Development Approval heavy vehicle movement limits
<ul style="list-style-type: none"> <li>▪ CSR will contribute to the upgrade and ongoing maintenance of Martin Road in accordance with the deed of agreement with LCC.</li> </ul>	Duration of the Development
<b>Cultural heritage</b>	

51. The Applicant shall adopt the following measures in relation to the management of cultural heritage on the Development Site:	
<ul style="list-style-type: none"> <li>▪ The heat retainer hearth will continue to be protected by a fenced 10m exclusion zone.</li> </ul>	Duration of the Development
<ul style="list-style-type: none"> <li>▪ All Aboriginal heritage items collected during survey and test excavations will be reburied with the hearth in consultation with the RAPs.</li> </ul>	During surveys and excavations
<ul style="list-style-type: none"> <li>▪ Should Aboriginal objects be uncovered during the course of the approved works, works shall cease. In cases where historical items have been uncovered, Heritage NSW is to be advised or should indigenous items be uncovered the National Parks and Wildlife Service shall be advised.</li> </ul>	Duration of the Development
<ul style="list-style-type: none"> <li>▪ Workers/contractors shall be informed of their obligations under the NPW Act 1974, namely that it is illegal to disturb, damage or destroy an Aboriginal object without the prior approval of the Secretary of DPC.</li> </ul>	Prior to and for the duration of the development
<ul style="list-style-type: none"> <li>▪ Should human remains be found in, on, or under the land during construction, the responsible party shall: <ul style="list-style-type: none"> <li>○ Contact the local police.</li> <li>○ Not disturb or excavate the remains.</li> <li>○ Immediately cease all work at the particular location.</li> <li>○ Notify the Heritage NSW (DPC) office as soon as practicable and provide any available details of the remains and their location.</li> <li>○ Not recommence any work at the particular location until authorised in writing by the Heritage NSW.</li> </ul> </li> </ul>	Duration of the Development
52. The AHMP will be updated with the findings of the Modification 4 ACHA.	Prior to works
<b>Ecology</b>	
53. The Applicant shall adopt the following measures in relation to the removal of any trees on the Development Site:	
<ul style="list-style-type: none"> <li>▪ The canopy of the trees to be visually inspected prior to clearing to assess for the presence of fauna. Where bird species are detected the tree is to be nudged prior to felling to encourage the fauna to vacate the tree prior to felling. Trees to be left in situ until the birds leave the canopy.</li> </ul>	Prior to the removal of any trees
<ul style="list-style-type: none"> <li>▪ Felled trees are to be left in-situ for at least 24 hours to allow fauna species to relocate. Qualified personnel are to be on hand to check for wildlife and relocate them.</li> </ul>	During the removal of any trees
<ul style="list-style-type: none"> <li>▪ Felled wood is to be relocated to the remnant woodland (and not placed in piles) or chipped and used in rehabilitation areas.</li> </ul>	After the removal of any trees
<ul style="list-style-type: none"> <li>▪ Should any wildlife be inadvertently injured during the proposed works, WIRES or an accredited veterinarian shall be contacted.</li> </ul>	Duration of the Development
<ul style="list-style-type: none"> <li>▪ A 60 m buffer area shall be provided along Badgerys Creek and the Badgerys Creek tributary, except where Pit 2 extends into these buffers. Rehabilitation works are to be undertaken in this area in accordance with the RMP.</li> </ul>	Duration of the Development

<ul style="list-style-type: none"> <li>Five local native trees shall be planted for each mature native tree that is removed. The replacement trees shall consist of a diversity of local provenance tree species from the native vegetation community (or communities) that occur, or once occurred on the site. The plantings shall be located adjacent to the riparian vegetation along South Creek, Badgerys Creek and its tributary.</li> </ul>	
<b>Aquatic biodiversity</b>	
54. A 40 m vegetated riparian zone will be maintained around the wetland adjacent to South Creek and 20 m zone will be maintained around the tributary to Badgerys Creek (except over Pit 2).	Duration of the Development
55. As the hydraulic modelling for the surface water assessment was indicative, geomorphology will be assessed in greater detail to validate the bed and bank materials of Badgerys Creek prior to finalisation of the pit dewatering strategy. This will include quantification of bed and bank material and particle size and calculation of critical shear stress for the bed and bank to determine its sensitivity to erosion.	Prior to finalisation of the dewatering strategy
56. If the bed and bank materials are demonstrated to be sensitive to erosion, the optimum flow rate that can be achieved without impacting the creek bed and banks will be determined in a sediment transport model.	Prior to finalisation of the dewatering strategy
57. It will be necessary to gain further water quality and flow data to determine the impact of discharges on Badgerys Creek. Water quality will be monitored every month at the four Badgerys Creek and South Creek monitoring locations as described in Section 6.3.2 of the EA. This will include nitrogen speciation to determine which portion of nitrogen is bioavailable and could impact aquatic ecosystems.	Prior to and for the duration of the Development
58. A biological monitoring program will be developed to detect if the macroinvertebrate community is changed by exposure to discharge water. An in-stream vegetation monitoring program will be prepared and implemented to detect if the discharge is impacting vegetation community composition and mortality.	Prior to and for the duration of the development
59. Monitoring for changes to instream vegetation and macroinvertebrates will be incorporated into a pit dewatering plan as a sub-plan to the existing water management plan.	Prior to finalisation of the dewatering strategy
60. CSR will compile a fauna relocation plan. This plan will develop strategies for aspects such as transferring aquatic fauna, acclimatising aquatic fauna to different water conditions and managing pest species. DPIE will be consulted during the development of this strategy.	Prior to finalisation of the dewatering strategy
<b>Contamination</b>	
61. The potential presence of asbestos in the eastern edge of Pit 1 will be added to the site Asbestos Register.	Prior to works
62. A materials management plan will be prepared to ensure that surface water, backfilled material and imported soils are handled appropriately, do not pose a risk to human health or the environment and will be suitable for the proposed land use. The plan will provide procedures to appropriately quantify, classify, dispose of and report on potential contaminants.	Prior to works
63. A UFP will be prepared, providing guidance in the event that future below ground excavations identify contaminated materials (e.g. asbestos, staining, odours). The UFP will outline procedures for handling, assessing and managing any contamination that may be identified as part of Modification 4 works. If previously unidentified contaminated materials are encountered during construction and	Prior to works

operation of the proposed modification, relevant statutory requirements, including potential soil testing and waste classification, will need to be complied with, and the material managed and disposed of appropriately.	
64. Stored/stockpiled materials within the proposed disturbance footprints will be inspected and they will be recycled or disposed at facilities which can legally receive such materials.	Duration of the Development
65. Soil materials within the vicinity of the Modification 3 works will be assessed in accordance with NSW EPA (2014) Waste Classification Guidelines and either re-use them on site where suitable or dispose of them offsite to a landfill which can legally receive such materials.	Duration of the Development
66. Conduct a hazardous material survey on existing site structures prior to demolition/alteration activities.	Prior to demolition/alteration
<b>Waste</b>	
67. The Applicant shall manage waste in relation to the development in accordance with the existing WMP for the Development Site.	Duration of the Development
68. The existing WMP will be updated to include the importation and handling of FILL.	Prior to works
69. All waste generated on site will be managed in accordance with the site's waste management plan that will follow the waste hierarchy of avoid, reduce, re-use, recycle and will be updated to include development works.	Duration of the Development
<b>Visual amenity</b>	
70. Proposed lighting at the site will still comply with Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting.	Duration of the Development
<b>Environmental management</b>	
72. The Applicant shall prepare an EMS for the Development Site to provide environmental management practices and procedures to be followed during the operation of the development. The EMS shall include, but not necessarily be limited to:	Prior to works
<ul style="list-style-type: none"> <li>▪ identification of statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development;</li> </ul>	
<ul style="list-style-type: none"> <li>▪ a description of the roles and responsibilities for all key personnel involved in environmental management of the development;</li> </ul>	
<ul style="list-style-type: none"> <li>▪ the environmental policies and principles to be applied to the operation of the development; and</li> </ul>	
<ul style="list-style-type: none"> <li>▪ describe in general terms how the environmental performance of the development would be monitored and managed.</li> </ul>	

### 6.3.1 Extraction Limitations

In accordance with Schedule 2 Condition 18 a registered surveyor has marked out the boundary of the approved area of extraction within Pit 3 – Refer to Figure 4. These boundaries are marked on site by large pegs with high visibility markings and a written explanation as to what they represent (eg NE cnr Pit 3).

Within these extraction areas, PGH will not extract any extractive materials or carry out any work in the extraction area below 35 m below the pre-existing natural surface of the ground, other than construction of approved bores or in-pit sumps.

### 6.3.2 Additional rehabilitation matters

The site will be rehabilitated to the satisfaction of the Secretary. This rehabilitation will be generally consistent with the proposed rehabilitation strategy described in the EA and the Rehabilitation Management Plan (RMP), and will comply with the objectives in Table 6.

Table 6 Rehabilitation objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> <li>▪ Safe</li> <li>▪ Hydraulically and geotechnically stable</li> <li>▪ Non-polluting</li> <li>▪ Fit for the intended final land use(s)</li> <li>▪ Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land</li> </ul>
Surface infrastructure	<ul style="list-style-type: none"> <li>▪ Decommissioned and removed, unless otherwise agreed by the Secretary</li> </ul>
Landscaping bunds	<ul style="list-style-type: none"> <li>▪ Hydraulically and geotechnically stable</li> <li>▪ Vegetated</li> </ul>
Pit 1, 2 and 3	<ul style="list-style-type: none"> <li>▪ Backfilled to a landform that is consistent with natural ground level and is geotechnically stable</li> <li>▪ Free draining</li> </ul>

The Rehabilitation Management Plan (RMP) will be implemented progressively and as soon as reasonably practicable following disturbance to minimise the total area exposed for dust generation at any time.

CSR will complete the backfilling of Pits 1 and 2 within 6 years of commencement of Phase 1 or otherwise agreed by the Secretary, and pit 3 within 2 years of date of completion of extraction activities in Pit 3.

A Final Landform Rehabilitation Plan will be prepared in consultation with the BCD, DPI&E and MEG and any other relevant authorities or agencies two years prior to the completion of all approved quarrying activities.

### 6.3.3 Dewatering

CSR will undertake the Dewatering works in accordance with the Dewatering Management Plan and the Dewatering Infrastructure Plan.

CSR has entered into an agreement with WSA for them to take the Pit water from Pit 1 to their site for their dust suppression during their Civil works. The dewatering infrastructure is in place concurrently and will be managed in accordance with the approved management plans.

## 7 Monitoring and Performance Criteria

### 7.1 General

Inspection, monitoring and auditing will be undertaken to assess and record whether activities are in compliance with regulatory requirements and the objectives outlined in the Health, Safety and Environment Management System, which guides Development Site Operations.

### 7.2 Environmental Monitoring

A summary of parameters to be monitored and their performance criteria are given in the tables below. Monitoring locations are given on Figure 3. Details are given in each Management Plan.

### 7.3 Construction Monitoring

Table 7 summarises specific performance criteria relating to construction activities, responsibilities, and where more detailed information may be found. Monitoring locations are given on Figure 3.

Table 7 Construction environmental management commitments

Condition	Action	Details	Responsible Staff	When
S3 C3	Approved construction works must be undertaken during standard construction hours	Noise Management Plan	Site Manager	During construction

#### 7.3.1 Operational Monitoring and Inspections

Table 8 Operational environment monitoring requirements to 13 summarise specific performance criteria relating to operational activities within the site, responsibilities, and where more detailed information may be found. Monitoring locations are given on Figure 3.

Table 8 Operational environmental monitoring requirements

Condition	Action	Details	Responsible Staff	Accountability	When
S2 C18	Extraction areas to be surveyed and plan supplied to DPI&E	Section 6.3.1	Registered Surveyor	Raw Materials Manager	Completed
S2 C18	Extraction boundaries clearly marked on site	Section 6.3.1	Raw Materials Manager	Raw Materials Manager	Completed

S2 C19	No unapproved works below 35m below pre-existing natural ground level	Section 6.3.1	Raw Materials Manager	Raw Materials Manager	Prior to commencement of the Development, then every 3 months
Condition	Action	Details	Responsible Staff	Accountability	When
S3 C5	Noise generated from the development will not exceed criteria (Table 8)	Noise Management Plan (NMP)	Noise consultant	Site Manager	During operations – measured within 14 days of commencement of the Development
S3 C6	Traffic noise generated by the development will not exceed criteria (Table 10)	Noise Management Plan (NMP)	Noise consultant	Site Manager	Prior to commencement of the Development
S3 C9	Particulate matter emissions generated by the development will not exceed criteria (Table 13) at any residence on privately owned land	Air Quality Management Plan (AQMP)	Laboratory	Site Manager	During operations  Excluding extraordinary events
S3 C14	Operate a meteorological station in the vicinity of the site	Air Quality Management Plan (AQMP)	Laboratory	Site Manager	During all operations
S3 C19	All surface water discharges will	Soil and Water Management Plan	Laboratory	Site Manager	During surface water discharge events

	comply with volume and quality limits (Table 15)	(SWMP)			
S3 C23 ii	Surface water quality in the vicinity of the site will be monitored for potential impacts (Table 15)	Soil and Water Management Plan (SWMP)	Laboratory	Site Manager	Table 15
S3 C23 iii	Groundwater quality in the vicinity of the site will be monitored for potential impacts (Table 18)	Groundwater Management Plan (GWMP)	Laboratory	Site Manager	Table 18
S3 C26	Laden truck time, date, weights, and load type to be recorded and reported	Traffic Management Plan (TMP)	Weighbridge operator	Site Manager	All laden FILL import trucks Published 6 monthly
S3 C30	Monitor identified places or objects of Aboriginal Heritage	Aboriginal Heritage Management Plan (AHMP)	Nat Env manager	Site Manager	Prior to clearing activities
S3 C36	Monitor Rehabilitation	Rehabilitation Management Plan (RMP)	Rehabilitation Manager	Site Manager	As per Rehabilitation Management Plan (RMP)

Table 9 Operational noise criteria

Receiver ID	Morning Shoulder	Day	Evening	Night	
	L <sub>Aeq</sub> (15 min)	L <sub>AFmax</sub>			
R9, R25, R35	43	45	40	38	52
R5, R26, R27, R28, R29, R30, R31, R32, R34, R42, R43, R44, R45, R46	42	42	41	38	52
R11, R12, R13, R14, R15	43	43	43	38	52
All other residences	-	40	35	35	52

Reference: Table 2 of Development Consent.

Table 10 Road traffic noise criteria

Road Noise Receiver ID	Day / Evening L <sub>Aeq</sub> (1 hour)	Night L <sub>Aeq</sub> (1 hour)
<b>Prior to Martin Road – Elizabeth Road Intersection Upgrade</b>		
Residents on Martin Road	60	55
<b>Following Martin Road – Elizabeth Road Intersection Upgrade</b>		
RN5	61	55
RN9, RN21	62	55
RN14, RN22	63	55
RN16	64	55
All other residences on Martin Road	60	55

Reference: Table 3 of Development Consent.

Table 11 Ambient air quality criteria

Pollutant	Averaging Period	Criterion	
Particulate Matter < 2.5 µm (PM <sub>10</sub> )	Annual	<sup>a,d</sup> 8 µg/m <sup>3</sup>	
Particulate Matter < 2.5 µm (PM <sub>10</sub> )	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>	
Particulate Matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a,d</sup> 25 µg/m <sup>3</sup>	
Particulate Matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>	
Total Suspended Particulates (TSP)	Annual	<sup>a,d</sup> 90 µg/m <sup>3</sup>	
<sup>c</sup> Deposited Dust (Insoluble Solids)	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a,d</sup> 4 g/m <sup>2</sup> /month

Notes for Table 11:

<sup>a</sup> Total impact (ie increase in concentrations due to the development plus background concentrations due to all other sources).

<sup>b</sup> Incremental impact (ie increase in concentrations due to the development alone, with zero allowable exceedances of the criteria over the life of the development).

<sup>c</sup> Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

<sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary.

<sup>e</sup> Reference: Table 4 of consent.

Table 12 Point source air quality criteria

Pollutant	Units	100 percentile Concentration Limit	Method
Total Solid Particles	mg/m <sup>3</sup>	100	TM-15
Hydrogen fluoride	mg/m <sup>3</sup>	50	TM-9
Nitrogen Oxides	mg/m <sup>3</sup>	2000	TM-11
Chlorine	mg/m <sup>3</sup>	NL	TM-7
Dry gas density	kg/m <sup>3</sup>	NL	TM-23
Moisture content	%	NL	TM-22
Molecular Weight of stack gases	g/g mole	NL	TM-23
Odour	Odour	NL	OM-8
Temperature	°C	NL	TM-2
Type I substances	mg/m <sup>3</sup>	NL	TM-12
Pollutant	Units	100 percentile Concentration Limit	Method
Type II substances	mg/m <sup>3</sup>	NL	TM-13
Velocity	m/s	NL	TM-2
Volatile organic compounds	mg/m <sup>3</sup>	NL	TM-34
Volumetric Flowrate	m <sup>3</sup> /s	NL	TM-2

NL To be monitored but no criteria specified.

Table 13 Surface water monitoring program

Aspect	Parameters	Frequency	Compliance Criteria
Monitor surface water Prior to discharge	pH 6.5 – 8.0 (ANZECC) Turbidity <150 NTU	As required on discharge	as noted in the revised EPL

Table 15 Discharge quality criteria

Aspect	Parameters	Frequency	Compliance Criteria
Monitor pit water discharge to the Badgerys Creek and South Creek prior to and during discharge	Conductivity pH total nitrogen Total Suspended Solids Turbidity Total alkalinity Arsenic Copper	Event daily during the first month of the continuous discharge, then weekly if the first month of data does not exceed concentration limits, Monitoring will revert to daily if any limits are exceeded and/or concentrations are reduced below limits	As outlined in the revised EPL for the site
Monitor Pit water discharge to Badgerys Creek and South Creek	Total Dissolved solids Total Phosphorus Arsenic Cadmium Chromium Lead Nickel Zinc Mercure	Sample weekly during pit water discharge to the creeks for the first two months, which will reduce to monthly if there are no exceedances	As outlined in the revised EPL for the site
Pit 1 discharge water	Physical and chemical stressors is equal to the 80 <sup>th</sup> percentile of recoded data from Badgerys Creek over the past 24 months or the ANZECC guidelines for freshwater (95% level of species protection)	Weekly for three weeks prior to discharge then monthly, this monitor will continue for the life of the development (dewatering process)	As outlined in the revised EPL for the site
Pit 3 discharge to creek	Physical and chemical stressors is equal to the 80 <sup>th</sup> percentile of recoded data from Badgerys Creek over the past 24 months or the ANZECC guidelines for freshwater (95% level of species protection)	Weekly for three weeks prior to discharge then monthly, this monitor will continue for the life of the development (dewatering process)	As outlined in the revised EPL for the site

Table 17 Groundwater assessment criteria

Parameter	Location	Frequency	Criterion
Depth below ground level, pH, Electrical Conductivity, Dissolved Metals, Petroleum Hydrocarbons	8 bores as per Figure 3	quarterly	Monitor data and develop baseline ground data
Depth below ground level, pH, Electrical Conductivity, Dissolved Metals, Petroleum Hydrocarbons	8 bores as per Figure 3	Report Annually to DPIE	Monitor data and develop baseline ground data

**7.4 Inspections**

Monitoring of the implementation of the various management plans will be undertaken as part of regular site inspections by CSR management and HSE Personnel. Inspection of activities will be undertaken quarterly by supervisory staff. On-going monitoring of these activities is essential to ensure compliance with regulatory requirements and conditions of consent.

## 8 Evaluation and Review

### 8.1 Annual Review

Prior to commencing FILL import, and annually thereafter, CSR will submit a review to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review will:

- a) describe the development (including any progressive rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
- b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the:
  - relevant statutory requirements, limits or performance measures/criteria;
  - requirements of any plan or program required under this consent;
  - monitoring results of previous years; and
  - relevant predictions in the documents listed in condition 3 of Schedule 2;
- c) evaluate and report on:
  - the effectiveness of the air quality and noise management systems; and
  - compliance with the performance measures, criteria and operating conditions in this consent.
- d) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
- e) identify any trends in the monitoring data over the life of the development;
- f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- g) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.

The Applicant must ensure that copies of the Annual Review are submitted to Council and are available to the Community Consultative Committee (see condition 8 of Schedule 5) and any interested person upon request.

### 8.2 Strategy, Plan and Program Revision

All development documents are generated, numbered, approved, revised, transmitted, and stored in accordance with the development's Document Control Plan.

The EMS review ensures the suitability, effectiveness, and adequacy of the plan. The EMS is formally reviewed annually (as a minimum) and as described below.

The review is conducted by a review team comprising the Development Manager (or delegate) and the Environmental Advisor/ Development Environmental Manager (or Safety Manager) and considers performance against the EMS with respect to incident trends and findings from internal and external audits.

The Development Manager (or delegate) ensures any changes to the EMS as a result of review/ change is communicated to personnel.

This environmental strategy and the management plans and programs prepared for the development will be reviewed and revised within three (3) months of the following:

- the submission of an Incident Report (refer 9.2);
- the submission of an annual review (refer 8.1);
- the submission of an Independent Environmental Audit (refer 9.4); and
- any modification to the conditions of consent (unless the condition requires otherwise).

This is in accordance with the intent of the conditions of consent to ensure that strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.

All approved management plans, strategies and programs will be implemented until any updated measures have been approved by the relevant authorities.

## 9 Reporting

CSR will provide regular reporting in accordance with the consent, ML and EPL conditions. Approved plans, strategies and programs, monitoring results and environmental performance will be published on the website.

Environmental reporting is carried out both through the CSR internal reporting system, on a daily basis, and directly to senior management through monthly reports. Reporting will cover the following:

- Incidents, including exceedances of impact assessment criteria and/or performance criteria;
- complaints; and
- non-compliances with statutory requirements;

The key features of the Environmental reporting system include:

- daily inspection and identification of issues by supervisory staff.
- entry into the CSR Safety/Environmental Register which provides:
  - unique identification of each issue including non-compliance;
  - description of the issue;
  - investigation;
  - actions;
  - action completion timeframe and responsibility;
  - monitoring of action due dates and close out;
  - management signoff; and
  - data base of records / incidents.

An Environmental Report is submitted to CSR Senior Management monthly detailing:

- any site non-compliance with statutory and licence requirements;
- inspections and audits by statutory authorities;
- any development or improvement work being conducted on site; and
- any complaints received during the month.

### 9.1 Regular Reporting

### 9.2 Reporting under the Conditions of Consent

In accordance with the conditions of consent, CSR will provide the reports in Table 188 to the Secretary within the nominated timeframe. Details of environmental management plans are given in section 6.0.

Table 18 Reporting requirements from Coc

Condition	Description	Frequency	Distribution
S 2 C 17	Production Data in accordance with this condition	Annually (calendar year)	MEG
S 3 C 11	Air Quality Audit in accordance with this condition	Prior operations	EPA, DPI&E

S 3 C 26	Truck movement numbers on the website	Every 6 months	Website
S 4 C 1	Notification of Landowners (details in section 9.2) of monitoring results that exceed any criteria in Schedule 3	7 days after obtaining exceeding monitoring results	Affected landowners and tenants
S 4 C 2	Independent Review (details in section 9.3)	Within 3 months of request from DPI&E	DPI&E, relevant landowner
S 5 C 9	Incident reporting (details in section 9.2)	Immediately through the Department's Major Development Website	DPI&E and any other relevant agency
S 5 C 10	Non-Compliance Notification	Immediately through the Department's Major Development Website	DPI&E and any other relevant agency
S 5 C 11	Regular reporting on the website (details in section 9.1.4)	Following commencement of works – Phase 1	Website
S 5 C 12	Annual Review (details in section 8.1)	Prior to commencement of FILL import thence annually	DPI&E, Council, CCC
S 5 C 13	Independent Environmental Audit (details in section 9.4)	Prior to commencing FILL import and annually thereafter	DPI&E and other agencies upon request

### 9.3 Reporting under the Mining Lease

In accordance with ML1771, CSR will provide the reports in Table 1819 to the MEG within the nominated timeframe.

Table 19 Reporting requirements from ML

Condition	Description	Frequency	Distribution
S 2 C 3(f)	Prepare a Rehabilitation Report that includes a detailed review of the progress of rehabilitation against the performance measures and criteria established in the Mining Operations Plan (MOP) in accordance with any relevant annual reporting guidelines published on the Department's website at <a href="https://www.resourcesandgeoscience.nsw.gov.au/minersand-explorers/applications-and-consents/environmentalassessment/mining">https://www.resourcesandgeoscience.nsw.gov.au/minersand-explorers/applications-and-consents/environmentalassessment/mining</a>	Submitted annually on the grant anniversary date (4 <sup>th</sup> May) or at such other times as agreed by the Minister	MEG
S 2 C 4	Non-compliances to be reported on the form specified (details in section 9.2)	Within 7 days	MEG
S2 C 5	Environmental Incident notifications and reports are to be provided to the Secretary	Within 7 days	MEG
	Exploration reports will be prepared in accordance with "Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales"	Submitted annually on 4 <sup>th</sup> June (one month after the grant anniversary date of 4 <sup>th</sup> May)	MEG

## 9.4 Reporting under the EPL

In accordance with EPL 684, CSR will provide the reports in Table 20 to the EPA within the nominated timeframe.

Table 20 Reporting requirements from EPL

Condition	Description	Frequency	Distribution
R1.1	Complete an Annual Return in the approved form comprising: a) A Statement of Compliance b) A Monitoring and Complaints Summary	Annually, submitted before 17 <sup>th</sup> January	EPA
R2.1	Notification of environmental harm (details in section 9.2)	Immediately to 131 555, written details within 7 days	EPA
R3	Written report requested by EPA (details to be specified by requesting officer)	As requested	EPA

### 9.4.1 Information Required on the Website

In accordance with the Conditions of Consent and the EPL, CSR will make the following information associated with the Badgerys Creek development available on its website.

- the documents listed in section 1.3;
- current statutory approvals for the development;
- all approved strategies, plans and programs required under the conditions of consent;
- regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of consent;
- a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of consent, any approved plans and programs, and the EPL;
- summary of the current stage and progress of the development;
- contact details to enquire about the development or to make a complaint;
- a complaints register, updated at least monthly;
- the Annual Reviews of the development; and
- any Independent Environmental Audit as described in section 9.4, and the operators' response to the recommendations in any audit.

## 9.5 Incident and Non-compliance Reporting

For the purposes of this EMS, an 'incident' is an occurrence or set of circumstances that:

- causes or threatens to cause material harm to the environment; and/or
- breaches or exceeds the limits or performance measures/criteria in the Development Consent

A 'non-compliance' is an occurrence, set of circumstances or development that is a breach of the Development Consent.

Common types of environmental incidents include:

- sewage spills (to land or to water)
- hydrocarbon spills (to land or to water)
- sediment discharge (to land or to water)
- unexpected finds (cultural heritage); and
- damage to heritage items or protected flora and fauna.

Possible non-compliances include non-compliance with the management measures outlined in this EMS, and mitigation strategies/ management measures outlined in the management plans.

Where detected, any non-compliance or environmental impact exceeding specified limits are investigated by the Environmental Advisor to determine the extent of possible non-conformance. The non-compliance is corrected as soon as possible with necessary action taken to prevent recurrence.

All non-compliances are reported and clearly identify the corrective/ preventative actions to be taken and the close-out date.

### **9.5.1 Responsibility**

The Site Manager is responsible for ensuring that the appropriate management response and handling procedures are instigated and carried through in the event of an incident and/or non-compliance. All employees, contractors and subcontractors are to:

- Notify the Site Manager of any hazard or potential hazard that may result in an incident and/or non-compliance, regardless of the nature or scale; and
- Take immediate action (where it is safe to do so) to prevent, stop, contain and/or minimise any adverse impact associated with an incident and/or non-compliance.

The induction and toolbox talks will be used to ensure all site employees, contractors and subcontractors are aware of and understand their obligations for incident and/or non-compliance response.

### **9.5.2 Notification Requirements**

#### **9.5.2.1 Incidents**

Section 147 of the POEO Act defines material harm as:

(a) harm to the environment is material if:

(i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or

(ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (or such other amount as is prescribed by the regulations), and

(b) loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.

Notification responsibilities for incidents that have caused or threaten to cause material harm to the environment are detailed in Section 148 of the POEO Act. In summary, these are broadly categorised as:

**Duty of an employee or any person undertaking an activity:**

Any person engaged as an employee or undertaking an activity with regard to the development will, immediately after becoming aware of any potential incident (even if outside of normal business hours), notify the Site Manager of the incident and all relevant information about it. The Site Manager will be available 24 hours a day, seven days a week and have the authority to stop or direct works.

**Duty of an employer or occupier of the premises to notify:**

The employer or occupier of the premises (in this case, the Site Manager) on which the incident occurred, who is notified (or otherwise becomes aware of) of the incident, will immediately notify the relevant authorities about the incident and all relevant information.

Under the POEO Act, “relevant authority” means any of the following:

- The appropriate regulatory authority – DPI&E and/or the EPA;
- If DPI&E an/or the EPA is not the appropriate regulatory authority – the local authority for the area in which the pollution incident occurs (i.e. Council);
- NSW Public Health Unit;
- SafeWork NSW; and
- Fire and Rescue NSW.

Table 21 lists the contact details for these authorities. The person reporting the pollution incident will provide the following key details:

- Location of the pollution incident/emergency;
- Nature of the pollution incident/emergency;
- Their name and contact details; and
- Details of any required assistance.

*Table 21 Relevant authorities*

Authority	Contact	Details
DPI&E	Compliance Unit	1300 305 695 or 02 9228 6111  compliance@planning.nsw.gov.au
EPA	Environment Line	131 555  info@environment.nsw.gov.au
	Head office (Sydney)	02 9995 5000
Liverpool City Council	Main switchboard	1300 36 2170
NSW Public Health Unit	Western Sydney Local Health District	(02) 8890 5555
SafeWork NSW	Incident Notification Hotline	131 050  Select Option 3 to report a “Serious Incident or Fatality” – this will result

		in the incident being recorded and the appropriate person being contacted.
Emergency Services	NSW Police NSW Fire and Rescue NSW Ambulance Service	131 444 1300 729 579 Emergency: 000
Division of Resources and Geosciences, Mine Safety and/or Environment Sustainability Unit		1300 814 609 cau@planning.nsw.gov.au
Community Consultation Committee		TBC

Once becoming aware of an incident, CSR will immediately (within 24 hours) notify the DPI&E, via the Major Developments website, and other relevant agencies if an incident, or potential incident, causes (or may cause) harm to the environment. 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.

### 9.5.2.2 Non-compliances

DPI&E will be notified via the Major Developments website within seven days of becoming aware of any non-compliance.

A non-compliance notification will 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.

A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### 9.5.3 Incidents and non-compliance procedure

Upon becoming aware of an incident and/or non-compliance, the procedure outlined below will be followed.

#### 1. Preventative action

Where possible and safe to do so, immediate action will be taken to prevent, stop, contain and/or minimise the environmental impact of the incident and/or non-compliance.

In the unlikely event that an incident and/or non-compliance requires the evacuation of the site, actions will be completed in accordance with evacuation procedures. All employees and contractors are to be made aware of the location of emergency assembly areas through site inductions, signage and regular toolbox talks.

#### 2. Assistance

If adequate internal resources are not available and the incident and/or non-compliance threatens public health, property or the environment, it is essential that Fire and Rescue NSW be contacted by telephoning “000” for emergency assistance.

Contacting Fire and Rescue NSW does not negate the notification requirements in the above table.

### 3. Notify

Under the provisions of the POEO Act, there is a duty to notify any incident that has caused or threatens to cause material harm to the environment and all relevant information about the incident. The specific duties to notify are outlined above.

If there is a serious incident or emergency, it is more than likely that Fire and Rescue NSW will take control and manage the required investigation and remedial activities. Any instructions issued will be strictly adhered to.

DPI&E and other relevant authorities be provided with a written incident notification via the Major Developments website within 24 hours after the incident.

A written notification will:

- Identify the development and application number;
- Provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- Identify how the incident was detected;
- Identify when the Applicant became aware of the incident;
- Identify any actual or potential non-compliance with conditions of consent;
- Describe what immediate steps were taken in relation to the incident;
- Identify further action(s) that will be taken in relation to the incident; and
- Identify a development contact for further communication regarding the incident.
- Non-compliances will be notified in accordance with Section 9.2.2.2.

### 4. Investigate

Immediately investigate the cause of the incident and/or non-compliance.

### 5. Remedial action

Address the cause of the incident and/or non-compliance and mitigate any further environmental impact. In some instances, outside resources such as specialist contractors/consultants may be required.

### 6. Record

It is imperative that an honest assessment of the situation is carried out and documented in order to minimise the potential for similar events in the future. On this basis, every incident is to be recorded in an Incident Report. A copy of the completed report will be maintained for at least five years.

A detailed incident report be provided to the DPI&E within 30 days of the incident occurring.

The detailed incident report will include:

- A summary of the incident.

- Outcomes of an incident investigation, including identification of the cause of the incident.
- Details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence.
- Details of any communication with other stakeholders regarding the incident.
- All non-compliances are recorded.

#### 7. Preventative action

Once the incident and/or non-compliance has been suitably handled, appropriate measures will be identified and implemented to reduce the possibility of re-occurrence.

### 9.5.4 Incidents and non-compliance register

An Incidents and Non-Compliance Register will be maintained and will contain the following:

- A copy of the environmental incident and non-compliance notification requirements and handling procedure described above.
- Site evacuation procedures.
- A separate reference sheet containing the contact details for the site contacts and the contact details for the regulatory authorities listed in Section 9.2.2.
- Blank hard copies of the Incident Report.
- Copies of all completed Incident Reports which are to be maintained for at least five years after the event to which they relate.

### 9.5.5 Minor environmental incidents

There is the possibility of minor environmental incidents occurring as part of this development. A 'minor environmental incident' is where there has been no potential or actual material harm to the environment. Examples are excessive dust sighted by the development team or a small contained hydrocarbon spill that does not leave a site boundary and are cleaned up without residual on-site environmental harm.

Minor environmental incidents will still be handled under the process outlined in Section 9.2.3 except there will be no requirement for government notification. All minor or major incidents will be recorded in the Incidents and Non-Compliance Register. A minor incident does not constitute a non-compliance with the Development Consent.

### 9.5.6 Incident reporting

Within 7 days following the incident or non-compliance, an Incident Report will be submitted to the above stakeholders including the following information:

- Time and date of the incident;
- Details of the incident and/or non-compliance (including the condition and instrument breached);
- Measures implemented, or to be implemented to ensure the event ceases and to prevent a re-occurrence;

- Remediation options to be implemented and/or any other course of action taken or to be taken.

EPA and MEG require notification on specific forms that can be found on the relevant websites.

Where the incident relates to an exceedance of monitoring criteria, the results of the monitoring will be supplied to the affected landowners for the following three months as a minimum and until the results are again compliant. If the exceedance relates to an air quality criteria, the affected landowners and current tenants will be supplied with a copy of the NSW Health Fact Sheet “Mine Dust and You”.

## 9.6 *Independent Review*

If a landowner considers the development to be exceeding the relevant criteria in the Conditions of Consent, they may ask the Secretary in writing for an independent review of the impacts of the development on their land.

If the Secretary is not satisfied that an independent review is warranted, the Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.

If the Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Secretary and the landowner, of the Secretary’s decision, CSR will:

- a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:
  - i. consult with the landowner to determine his/her concerns;
  - ii. conduct monitoring to determine whether the development is complying with the relevant criteria; and
  - iii. if the development is not complying with these criteria, then identify measures that could be implemented to ensure compliance with the relevant criteria;
- b) give the Secretary and landowner a copy of the independent review; and
- c) comply with any written requests made by the Secretary to implement any findings of the review.

## 9.7 *Environmental Auditing*

### 9.7.1 **Independent Environmental Audits**

Independent environmental audits will be undertaken in accordance with the Conditions of Consent to assess the compliance of the Development with regulatory requirements during construction and operation, and will be undertaken within 12 months of commencement of the development, thence every 3 years. This audit will:

- be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- include consultation with the relevant agencies;
- assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, the EPL and the ML applicable to the site (including any assessment, plan or program required under these consents);

- review the adequacy of strategies, plans or programs required under the abovementioned consents; and
- recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under the abovementioned consents.
- The audit team will be led by a suitably qualified auditor and include experts in any field specified by the Secretary.

CSR will submit a copy of the audit report within 12 weeks of commencing the audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

CSR will ensure that records are kept of all auditing that is conducted. Based on results of the audits, CSR management and HSE Personnel will conduct reviews and where practicable implement any recommended corrective actions towards identified environmental impacts or concerns of the development.

### **9.7.2 Rehabilitation Progress Audit**

The effectiveness of the measures implemented to address all aspects of rehabilitation as described in the RMP will be independently audited as described in the Plan.

## **9.8 Environmental complaints**

### **9.8.1 Environmental Complaints**

In the event of a third-party environmental complaint the following, the CSR policy will be followed which involves:

- assessing whether it threatens the environment or not,
- follows the implement pollution incident management plan and commences notification protocol
- as well as commence verbal notifications to relevant external authorities
- investigates and verifies complaints, and assesses if excessive off-site impacts have occurred.
- implements corrective measures including modification of execution methods and operational techniques to avoid recurrence or minimise ongoing adverse impacts.
- completes monitoring/ additional investigations to verify the adequacy of the recommendations, as required.
- notifies the complainant of actions taken; and
- continues to monitor activity, if required.

### **9.8.2 Responsibility**

The Community Liaison Manager is responsible for ensuring that the appropriate management response and handling procedures are instigated and carried through in the event of an environmental complaint. The induction and toolbox talks will be used to ensure all site employees are aware of and understand their obligations for complaints response.

All employees who take receipt of a complaint, either verbal or written, are to immediately notify the Site Manager.

### 9.8.3 Procedure

#### 1. Record and acknowledge

Any employee who receives a complaint, either verbal or written, is to immediately notify the Community Liaison Manager.

In the normal course of events, the first contact for complaints will usually be made in person or by telephone. The complainant's name, address and contact details, along with the nature of the complaint, will be requested. If the complainant refuses to supply the requested information, a note will be made on the form and the complainant advised of this.

#### 2. Assess and prioritise

The Community Liaison Manager will prioritise all complaints by considering the seriousness of the complaint including risk to health and safety and will attempt to provide an immediate response via phone or email.

#### 3. Investigate

A field investigation will be initiated to confirm details relevant to the complaint and the cause of the problem. Any monitoring information and/or records at and around the time of the complaint will be reviewed for any abnormality or incident that may have resulted in the complaint.

If the complaint is due to an incident, the notification requirements and handling procedures outlined in Section 9.2 will be followed.

#### 4. Action or rectify

Once the cause of the complaint has been established, every possible effort will be made to undertake appropriate action to rectify the cause of the complaint and mitigate any further impact. The Community Liaison Manager will assess whether the complaint is founded or unfounded and delegate the remediation, as required.

#### 5. Respond to complainant

The Community Liaison Manager will oversee the rectification of the issue and respond to the complainant once the issue has been resolved. The complainant will be provided with a follow up verbal response on what action is proposed. Where a complaint cannot be resolved by the initial or follow-up verbal response, a written response will be provided to the complainant.

#### 6. Record

Every complaint received is to be recorded in the Complaints Register, which will be uploaded to the website within 3 months of the determination of Modification 3 and 4 and will be updated monthly.

#### 7. Preventive action

Once the complaint has been suitably handled, appropriate measures will be identified and implemented to negate the possibility of re-occurrence. The complaint is not closed out and the Complaints Register is not finalised until the preventative actions are completed and recorded.

#### **9.8.4 Dispute Resolution**

The dispute resolution process meets the requirements of the Work Health and Safety Regulation 2011.

If there is a dispute that arises between CSR and Council or a public authority, in relation to an applicable requirement in the Development Consent or relevant matter relating to construction or operation of the development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's determination of any such dispute will be final and binding on the parties.

In the case of a dispute between CSR and a community member/complainant, either party may refer the matter to the DPI&E and/or relevant regulatory authority for consideration, advice and/or negotiation. If the matter escalates, a third party mediator may be required.

### **9.9 Other Notification Requirements**

#### **9.9.1 Out-of-hours Works**

The following activities may be undertaken outside of permissible operating hours. When this occurs, CSR will notify the DPI&E and affected residents prior to undertaking the activities, or as soon as practical thereafter.

- Activities that are inaudible at residences on privately-owned land;
- The delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons; or
- Emergency work to avoid the loss of life, property or to prevent material harm to the environment.

#### **9.9.2 Written report to EPA**

Where an authorised officer of the EPA suspects on reasonable grounds that an event has occurred at the premises, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises), the authorised officer may request a written report of the event.

CSR will make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and

- g) any other relevant matters.

### 9.9.3 Discovery of Human Remains

If human remains are discovered on the site, then all work in the area surrounding the discovery will cease, and the area will be secured. CSR will immediately notify the NSW Police Force and BCD, and work will not recommence in the area until authorised by the NSW Police Force and BCD.

### 9.9.4 Unexpected Heritage Find

If any potential Aboriginal object or Aboriginal place is identified on the site, or suspected to be on the site:

- a) all work in the immediate vicinity of the object or place will cease immediately;
- b) a 10 m buffer area around the object or place must be cordoned off; and
- c) BCD will be contacted immediately.

Work in the immediate vicinity of the find will only recommence if:

- a) the object or place is confirmed by BCD upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal Place;
- b) the Aboriginal Heritage Management Plan (AHMP) is revised to include the object or place and appropriate measures in respect of it; or
- c) the Secretary is satisfied with the measures to be implemented in respect of the object or place and makes a written direction in that regard.

### 9.9.5 High Impact Noise Activities

Where high impact noise activities are proposed on the site, such as those likely to generate noise levels above  $LA_{eq}$  75 dB(A) or activities likely to generate noise with intermittent, impulsive, tonal or low-frequency characteristics are required during the construction of the noise berm, adjacent sensitive receivers will be appropriately notified prior to works commencing and respite periods will be implemented.

### 9.9.6 Breach of Water Licence Conditions

Once the consent holder becomes aware of a breach of any condition on the water consent or licence, the consent holder must notify NRAR as soon as practicable by:

- email: [nrar.enquiries@nrar.nsw.gov.au](mailto:nrar.enquiries@nrar.nsw.gov.au), and/or
- telephone: 1800 633 362.

Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.

## **10 Community Consultation Procedures**

CSR will establish and operate a Community Consultative Committee (CCC) for the development prior to recommencing quarrying operations. It will be operated in general accordance with the DPI&E's Community Consultative Committee Guidelines, as updated from time to time.

The Community and Stakeholder Consultation Plan (CCP) describes procedures to:

- keep the local community and relevant agencies informed about the operation and environmental performance of the development;
- receive, record, handle and respond to complaints; and
- resolve any disputes that may arise during the course of the development.

## 11 Reference

*Element Environmental. (February 2019). Environmental Assessment, CSR Advanced manufacturing hub – Modification 3 & 4.*

*Consent by Minister for Planning and Infrastructure (August 2020) Badgerys Creek Quarry and Brick Making Development*

FIGURE 1 - SITE LOCATION

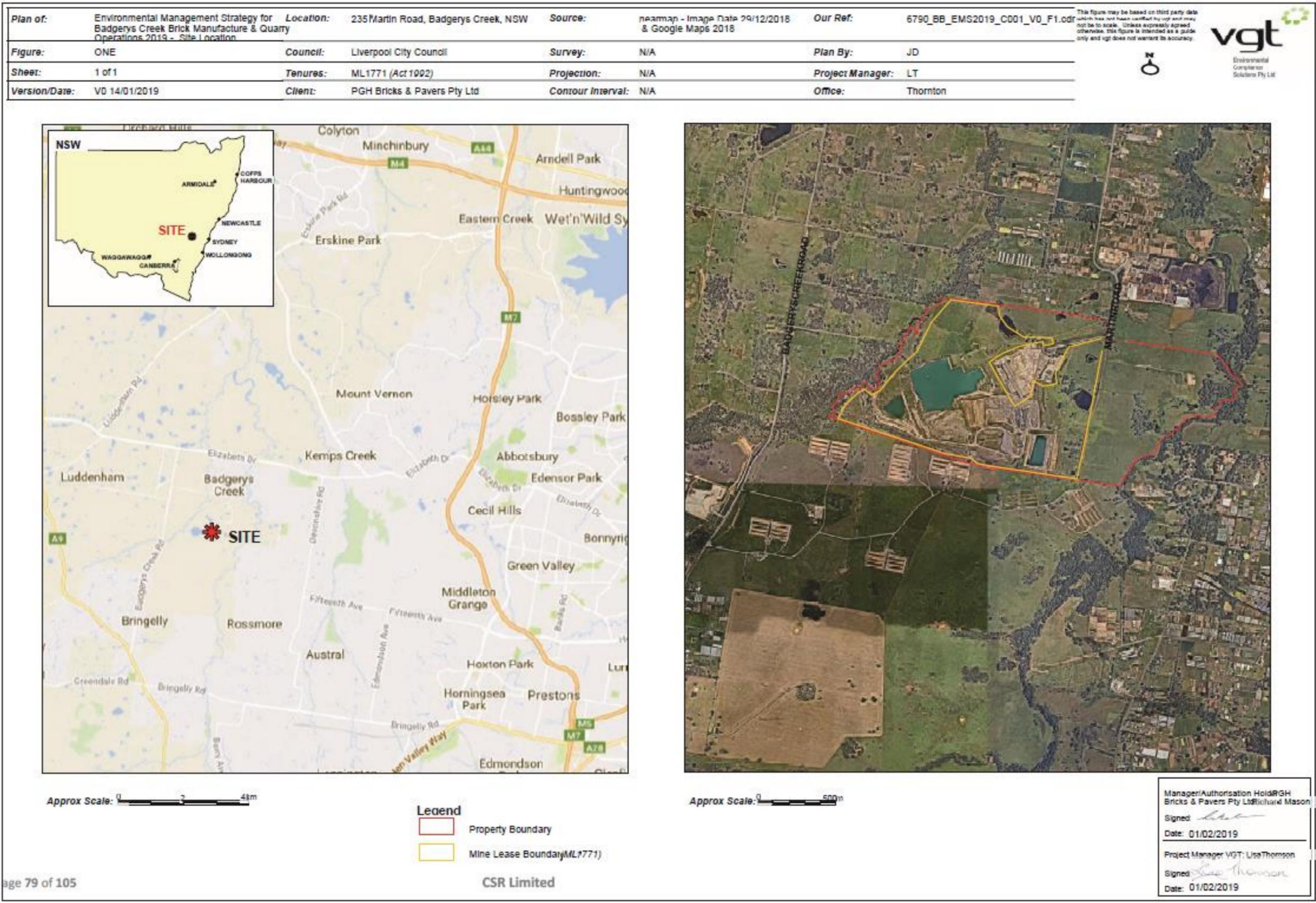


FIGURE 2 - DEVELOPMENT LAYOUT

Overview of Preferred Project

CSR ADVANCED MANUFACTURING HUB  
Modification 3 and 4

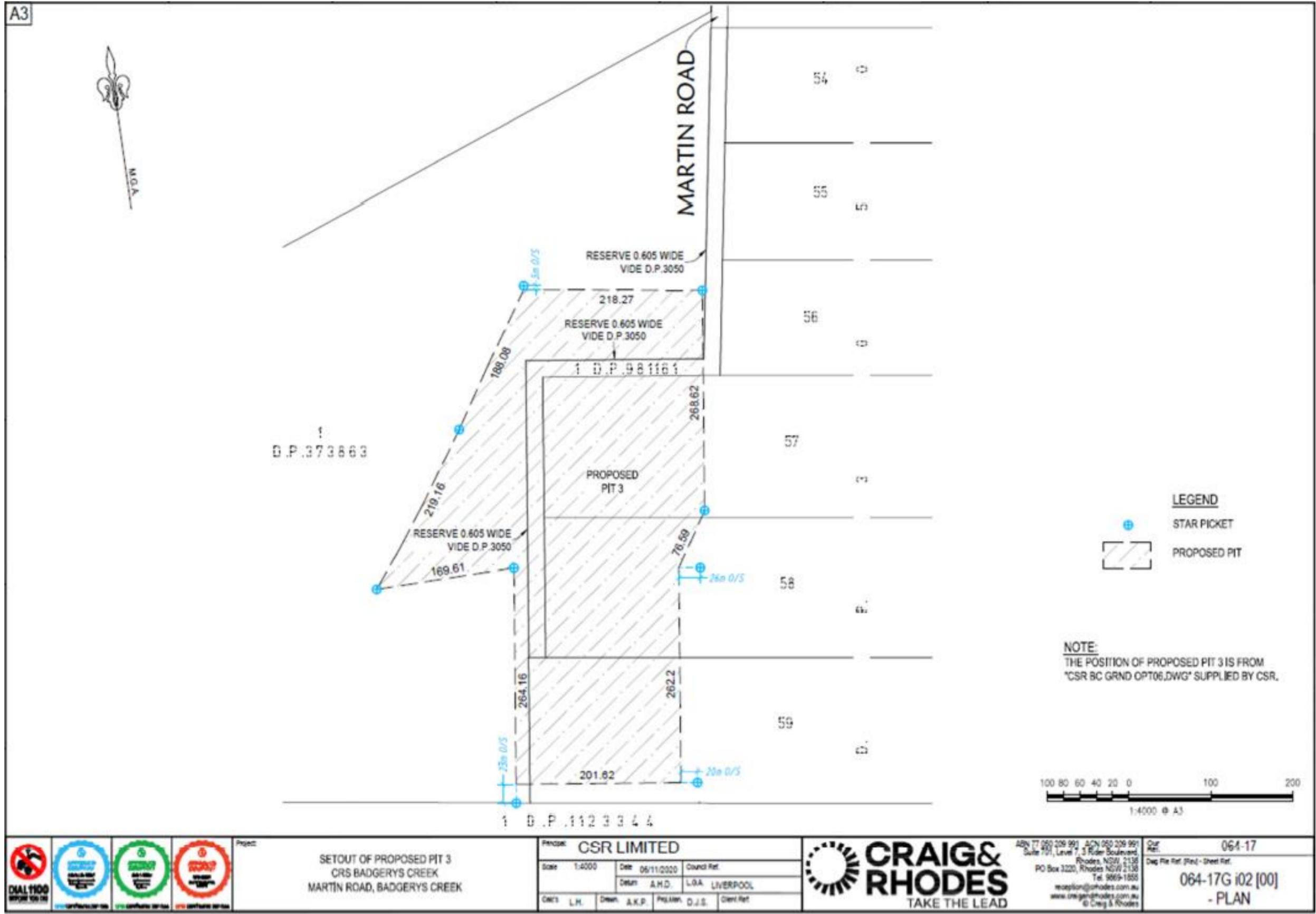


FIGURE 3 - MONITORING LOCATIONS



Manager/Authorisation Holder PGH  
Bricks & Pavers Pty Ltd: Debbie Cook  
Signed:  
Date:  
Project Manager VGT: Lisa Thomson  
Signed:  
Date:

FIGURE 4 – SURVEY AREA PIT 3





**APPENDIX A      CONDITIONS OF CONSENT**



**APPENDIX B ENVIRONMENT PROTECTION LICENCE**



**APPENDIX C      MINING LEASE**



**APPENDIX D      WATER APPROVAL AND LICENCE**



**APPENDIX E      ENFORCEABLE UNDERTAKING**



**APPENDIX F      NOISE MANAGEMENT PLAN**



**APPENDIX G      AIR QUALITY MANAGEMENT PLAN**



**APPENDIX H      SOIL AND WATER MANAGEMENT PLAN**



**APPENDIX I**

**GROUNDWATER MANAGEMENT PLAN**



**APPENDIX J      TRAFFIC MANAGEMENT PLAN**



**APPENDIX K**

**ABORIGINAL HERITAGE MANAGEMENT PLAN**



**APPENDIX L      REHABILITATION MANAGEMENT PLAN**



**APPENDIX M      WASTE MANAGEMENT PLAN**



**APPENDIX N**

**COMMUNITY AND STAKEHOLDER CONSULTATION PLAN**



**APPENDIX O      MINING OPERATIONS PLAN**





**APPENDIX Q VISUAL IMPACT MANAGEMENT PLAN**



**APPENDIX R**

**FILL MANAGEMENT PLAN**



**APPENDIX S**

**DE-WATERING INFRASTRUCTURE PLAN**



**APPENDIX T      DE-WATERING MANAGEMENT PLAN**



**APPENDIX U      FAUNA RELOCATION MANAGEMENT PLAN**



**APPENDIX V      EVACUATION PLAN**



**APPENDIX W**

**ENVIRONMENTAL RISK REGISTER**