

# Licence Variation

Licence - 684



PGH BRICKS & PAVERS PTY LIMITED  
ABN 68 168 794 821 ACN 168 794 821  
LOCKED BAG 1345  
NORTH RYDE NSW 1670

Attention: Nelma Arancibia

Notice Number      1648430  
File Number        EF15/7741  
Date                 15-Apr-2025

## NOTICE OF VARIATION OF LICENCE NO. 684

### BACKGROUND

- A. PGH BRICKS & PAVERS PTY LIMITED ("the licensee") is the holder of Environment Protection Licence No. 684 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at 235 MARTIN ROAD, BRADFELD, NSW, 2556 ("the premises").
- B. In August 2020, the licensee received approval for a modification to development application MP10\_0014 (MP10\_0014-Mod 4). This approval allows the licensee to remove the water from all pits located at the premises, in accordance with a Dewatering Management Plan (DMP).
- C. There were three pits located at the premises: two smaller pits (Pits 2 & 3), and a larger pit (Pit 1). The water from Pits 2 & 3 has been transferred to Pit 1. Pit 1 contains approximately a gigalitre of water.
- D. Under the DMP, the licensee was to explore options for water re-use as a preference over water discharge to local waterways. Higher than expected rainfall conditions have limited opportunities for re-use (e.g. dust suppression).
- E. A Discharge Impact Assessment Report (DIA) identified that while water re-use was still being considered, discharge into Badgerys Creek was the primary method identified for the dewatering.
- F. The licensee provided various updated submissions (including a Short Term Options Assessment (STOA), a Water Monitoring Plan (WMP), a Trigger Action Response Plan (TARP) and a Discharge Approval Memo (DAM)) in response to EPA comments on the proposed water discharge to Badgerys Creek.
- G. Through this licence variation the EPA now add Special Condition - "*Dewatering of pit water and discharge to Badgerys Creek*" to the licence to manage the dewatering process.

## Licence Variation

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- H. The documentation submitted by the licensee proposes an initial one-month trial dewatering period, with both continuous and laboratory analysed water quality monitoring in place to assess against agreed guideline values.
- I. Following the initial one-month trial dewatering period, the appropriate ANZG (2018) default guideline value must apply to the full dewatering process as a basis for considering all practical measures to minimise the potential impact of the discharge.
- J. The EPA has taken into account the objects of the Protection of the Environment Operations Act and the relevant factors listed in section 45 of that Act. The identified discharge water quality trigger values must be adhered to and the discharge ceased should the identified triggers values be exceeded.

### VARIATION OF LICENCE NO. 684

- 1. By this notice the EPA varies licence No. 684. The attached licence document contains all variations that are made to the licence by this notice.
- 2. The following variations have been made to the licence:
  - Addition of Special Condition "Dewatering of pit water and discharge to Badgerys Creek"

A handwritten signature in cursive script, reading 'M. Fuller', is positioned above a horizontal dotted line.

**Matthew Fuller**  
**Acting Unit Head**  
**Environment Protection Authority**  
(by Delegation)

### INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.
- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.epa.nsw.gov.au/prpoeo/index.htm>) in accordance with section 308 of the Act.

### **Appeals against this decision**

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

### **When this notice begins to operate**

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- The variations to the licence specified in this notice begin to operate immediately from the date of this notice, unless another date is specified in this notice.
- If an appeal is made against this decision to vary the licence and the Land and Environment Court directs that the decision is stayed the decision does not operate until the stay ceases to have effect or the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).



# Environment Protection Licence

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Licence Details	
Number:	684
Anniversary Date:	18-November

Licensee	
PGH BRICKS & PAVERS PTY LIMITED	
LOCKED BAG 1345	
NORTH RYDE NSW 1670	

Premises	
PGH BRICKS & PAVERS BADGERYS CREEK	
235 MARTIN ROAD	
BRADFELD NSW 2556	

Scheduled Activity	
Ceramic works	
Mining for minerals	

Fee Based Activity	Scale
Ceramics production	0-15000 T annual production capacity
Mining for minerals	0-30000 T annual production capacity

Contact Us	
NSW EPA	
6 Parramatta Square	
10 Darcy Street	
PARRAMATTA NSW 2150	
Phone: 131 555	
Email: <a href="mailto:info@epa.nsw.gov.au">info@epa.nsw.gov.au</a>	
Locked Bag 5022	
PARRAMATTA NSW 2124	



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## Information about this licence

### Dictionary

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

### Responsibilities of licensee

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

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

### Variation of licence conditions

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

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

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

### Duration of licence

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

### Licence review

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

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

For each licence fee period you must pay:

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



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

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

### Transfer of licence

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

### Public register and access to monitoring data

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

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

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

### This licence is issued to:

PGH BRICKS & PAVERS PTY LIMITED
LOCKED BAG 1345
NORTH RYDE NSW 1670

subject to the conditions which follow.





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## 1 Administrative Conditions

### A1 What the licence authorises and regulates

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

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

Scheduled Activity	Fee Based Activity	Scale
Ceramic works	Ceramics production	0 - 15000 T annual production capacity
Mining for minerals	Mining for minerals	0 - 30000 T annual production capacity

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

A2.1 The licence applies to the following premises:

Premises Details
PGH BRICKS & PAVERS BADGERYS CREEK
235 MARTIN ROAD
BRADFIELD
NSW 2556
LOT 1 DP 1278780, LOT 2 DP 1278780, LOT 3 DP 1278780

### A3 Information supplied to the EPA

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

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

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

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



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## P1 Location of monitoring/discharge points and areas

- P1.1 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.
- P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

### Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
3	Discharge to waters and water quality monitoring	Discharge to waters and water quality monitoring	Outlet from Sediment Basin B as described in 'Water Pollution Impact Assessment for Discharge of Stormwater Runoff from Disturbed Areas at PGH Badgerys Creek (Version 2)', PGH Bricks, 04/02/2021

- P1.3 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

### Noise/Weather

EPA identification no.	Type of monitoring point	Location description
4	Noise monitoring	255 LAWSON ROAD, BADGERYS CREEK, 2555
5	Noise monitoring	217 MARTIN ROAD, BADGERYS CREEK, 2555
6	Noise monitoring	50 VICTOR AVENUE, KEMPS CREEK, 2178

## 3 Limit Conditions

### L1 Pollution of waters

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

### L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the



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concentration limits specified for that pollutant in the table.

- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table's.
- L2.4 Water and/or Land Concentration Limits

### POINT 3

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
pH	pH				6.5-8.5
Turbidity	nephelometric turbidity units				50

### L3 Waste

- L3.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.  
Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.  
Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.  
This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Tunnel Spoil	Tunnel spoil that meets the criteria of a specific Resource Recovery Order and Resource Recovery Exemption granted by the NSW EPA.	-	Only for the purpose of quarry rehabilitation
NA	Excavated natural material	As defined in the Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment (Waste)	-	Only for the purpose of quarry rehabilitation



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Regulation 2014 – The excavated natural material order 2014
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- L3.2 The licensee must not cause, permit, or allow any waste generated outside the licensed premises to be received at the licensed premises except virgin excavated maerial (VENM), or as expressly permitted by a condition of this licence or a resource recovery order and resource recovery exemptionunder the Protection of the Environment Operations (Waste) Regulation 2014.
- L3.3 The licensee must have in place and implement procedures to identify and prevent the acceptance of any waste not permitted by Condition L3.1 to be accepted at the premises.
- L3.4 No asbestos waste is to be accepted at the premises.

## L4 Noise limits

- L4.1 Noise from the premises (excluding mobile pant) must not exceed:
  - a) an LA10(15 minute) noise emission criterion of 55 dB(A) (0700 to 2200) Monday to Saturday and (0800 to 2200) Sundays and Public Holidays; and
  - b) an LA10(15 minute) noise emission criterion of 40 dB(A) at all other times, except as expressly provided by this licence.
- L4.2 Noise from the operation of mobile plant must not exceed:
  - a) an LA10(15 minute) noise emssion criteron of 50 dB(A)> (0700 to 2200) Monday to Saturday and (0800 to 2200) Sundays and Public Holidays; and
  - b) an LA10(15 minute) noise emission criterion of 40 dB(A) at all other times, except as expressly provided by this licence.
- L4.3 Noise from the premises is to be measured or computed at the most affected point on or within the residential property boundary or, if that is more than 30 metres from the residence, at the most affected point within 30 metres of the residence to determine compliance with condition L4.1. 5 dB(A) must be added if the noise is tonal or impulsive in character.
- L4.4 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

### POINT 4

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Morning-Shoulder	LAeq (15 minute)	-	42
Day	LAeq (15 minute)	-	42
Evening	LAeq (15 minute)	-	41
Night	LAeq (15 minute)	-	38



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Night	LAFmax	-	52
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## POINT 5

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Morning-Shoulder	LAeq (15 minute)	-	43
Day	LAeq (15 minute)	-	45
Evening	LAeq (15 minute)	-	40
Night	LAeq (15 minute)	-	38
Night	LAFmax	-	52

## POINT 6

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Morning-Shoulder	LAeq (15 minute)	-	43
Day	LAeq (15 minute)	-	43
Evening	LAeq (15 minute)	-	43
Night	LAeq (15 minute)	-	38
Night	LAFmax	-	52

L4.5 For the purposes of the condition above:

- a) Morning shoulder means the period from 5am to 7am Monday to Saturday and the period from 5am to 8am Sunday and public holidays.
- b) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- c) Evening means the period from 6pm to 10pm.
- d) Night means the period from 10pm to 5am Monday to Saturday and the period from 10 pm to 5am Sunday and public holidays.

## L5 Potentially offensive odour

L5.1 No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission

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is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

## 4 Operating Conditions

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

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

This includes:

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

### O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

### O3 Dust

O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O3.2 All activities occurring in or on the premises must be carried out in a manner that prevents or minimises the emission of dust.

O3.3 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3.4 The licensee must ensure that no material, including sediment, is tracked from the premises.

### O4 Processes and management

O4.1 The licensee must implement all feasible and reasonable erosion and sediment controls as may be necessary throughout the life of construction works and activities to minimise sediment leaving the premises.

O4.2 The licensee must ensure that all erosion and sediment control measures installed at the premises are inspected and works undertaken to repair and/or maintain these controls as soon as is reasonable and feasible to ensure the proper and efficient operation of these controls. The licensee must record all such inspections including observations and works undertaken to repair and/or maintain erosion and sediment controls and provide these records to an authorised officer upon request.

O4.3 The licensee must ensure that waste identified for recycling is stored separately from other waste.

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## O5 Other operating conditions

- O5.1 Water from pits 1, 2 or 3 must not be transferred to Sediment Basin A or Sediment Basin B, or discharged to waterways.

### Filling of pits

- O5.2 The filling of the pits must be done in accordance with the Fill Management Plan, version 1.0, Project No. 0606483\_S011411, dated 1 August 2023 (or any subsequent version approved in writing by the Department of Planning and NSW EPA).

### Importation of VENM/ENM

- O5.3 The licensee must ensure that VENM brought onto the premises meets the definition of VENM as per the EPA's Waste Classification Guidelines (2014).
- O5.4 The licensee must not cause, permit or allow any waste generated outside the licensed premises to be received at the licensed premises except virgin excavated material (VENM), or as expressly permitted by a condition of this licence or a resource recovery order and resource recovery exemption under the Protection of the Environment Operations (Waste) Regulation 2014.
- O5.5 The licensee must ensure that all ENM brought onto the premises meets the definition of ENM as per EPA Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 - The excavated natural material order 2014.
- O5.6 The licensee must ensure there is a dedicated waste quarantine area on the premises for any material found not to be VENM/ENM. This area must be clearly signposted.
- O5.7 All non-conforming waste received at the premises must be disposed of at a facility that can lawfully receive that type of waste as soon as practicable.
- O5.8 The licensee is responsible for ensuring all security provision are taken to prevent illegal dumping of waste at the premises.

## 5 Monitoring and Recording Conditions

### M1 Monitoring records

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



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- licence:
- a) the date(s) on which the sample was taken;
  - b) the time(s) at which the sample was collected;
  - c) the point at which the sample was taken; and
  - d) the name of the person who collected the sample.

## M2 Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Water and/ or Land Monitoring Requirements

### POINT 3

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium (dissolved)	milligrams per litre	Monthly during discharge	Grab sample
Electrical conductivity	microsiemens per centimetre	Continuous during discharge	In line instrumentation
pH	pH	Continuous during discharge	In line instrumentation
Turbidity	nephelometric turbidity units	Continuous during discharge	In line instrumentation

M2.3 For the purpose of the above table, if monitoring results for aluminium (dissolved) exceed ANZG (2018) default guideline values (55µg/L for fresh water, pH >6.5), the licensee must notify the EPA within 7 days.

## M3 Testing methods - concentration limits

M3.1 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

## M4 Recording of pollution complaints

- M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- M4.2 The record must include details of the following:
- a) the date and time of the complaint;
  - b) the method by which the complaint was made;



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

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## M5 Telephone complaints line

- M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- M5.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

## M6 Other monitoring and recording conditions

### Ambient Dust Monitoring

- M6.1 The licensee must operate and maintain a minimum of four ambient dust monitors capable of continuously monitoring and recording particulate emissions (including PM10) from the premises.
- M6.2 The continuous dust monitors must be placed at locations where they are sufficiently capable of monitoring and recording dust coming onto the premises, and dust being generated at the premises.

### Weather Monitoring

- M6.3 The licensee must monitor and record temperature, humidity, wind direction, wind velocity and rainfall at either the project weather station, or through analysis of equivalent weather information obtained from the Australian Bureau of Meteorology.

Monitoring must:

- a) be representative of each catchment;
- b) commence prior to any works that may cause sediment or dust to leave the premises; and
- c) continue to be operated until soil disturbance activities cease at the premises and the site has been stabilised.

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## 6 Reporting Conditions

### R1 Annual return documents

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

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

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

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

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

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

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

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

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

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

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

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

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

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

## R2 Notification of environmental harm

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.

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

## R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

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

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## 7 General Conditions



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

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

## G2 Other general conditions

### G2.1 Completed Programs

Program	Description	Completed Date
Stormwater management plan	Prepare stormwater management plan for site that includes fuel storage; sewage irrigation.	22-October-2002
Trial Use of Recycled Wastewater	Trial use of recycled wastewater in brick manufacturing. Reduce use of water by using recycled wastewater.	01-December-2008

## 8 Special Conditions

### E1 Dewatering of pit water and discharge to Badgerys Creek

#### E1.1 Dewatering of pit water and discharge to Badgerys Creek

- 1 The dewatering of pit water and discharge to Badgerys Creek may commence, in accordance with the provisions detailed in the document ‘*Short-term Options Assessment*’, prepared by ERM for CSR Limited, 12 March 2025, Ref 0606483, (EPA Ref DOC25/220655).
- 2 The licensee must notify the EPA in writing that dewatering to Badgerys Creek has commenced.
- 3 One month after commencement of the dewatering, the dewatering process must cease until notified by the EPA that dewatering can re-commence.

#### E1.2 Update of Discharge Impact Assessment (DIA)

- 1 One month after commencement of discharge to Badgerys Creek, the discharge process must cease and the licensee prepare an updated DIA, including updated discharge limits, based on the first month of discharge results.
- 2 The updated DIA will include the finalisation of the Surface Water Monitoring Plan (SWMP).  
This plan should include, but is not limited to:
  - i. Identification of all pollutants to be monitored including total dissolved solids/electrical conductivity (EC), turbidity (NTU) and total suspended solids, pH, dissolved oxygen (DO), nutrients (including ammonia and nitrates), a full suite of metals;
  - ii. Regular monitoring of field analytes (including EC, NTU, DO, pH) and periodic monitoring of a full suite of metals;
  - iii. A wider monitoring suite and higher frequency of monitoring after rainfall; after

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specific water level triggers, (e.g. 50% 25% 10% etc); and after specific changes in water quality levels;

- iv. Water quality of the receiving waterway;
- v. Monitoring of rainfall;
- vi. Monitoring of discharge frequency and volumes;
- vii. Location of monitoring points; Frequency and method of monitoring.

3 The updated DIA must be submitted to the EPA prior to the commencement of discharge to Badgerys Creek.

4 The Licensee must not recommence discharge until approved to do so by the EPA.

## E1.3 Trigger Action Response Plan (TARP)

- 1 A TARP must be submitted to the EPA three months after the commencement of the initial discharging into Badgerys Creek.
- 2 The TARP needs to be based on the results of the initial monitoring period, at which point it will be reassessed by the EPA.
- 3 The TARP can be submitted as part of the Water Management Plan (WMP). The TARP should include, but is not limited to:
  - i. Initially be based on results of initial monitoring period but have factored into it increasingly poor water quality towards the end of the dewatering process.
  - ii. Discharge or management criteria for each analyte, where action will be triggered.
  - iii. A sampling regime that is conducted more often than monthly.
4. The TARP can be submitted as part of the Water Management Plan
5. As or when the DIA is updated, TARP must be updated accordingly.

## E1.4 Water Management Plan

Three months after commencement of discharge to Badgerys Creek, the licensee must submit the first version of a Water Management Plan (WMP) to the EPA. The WMP must include, but is not limited to:

- i. An ongoing Mitigation Options Report that adequately assesses:
  - a. Additional treatment measures that adequately deal with any exceedances;
  - b. Opportunities for re-use of water over discharge.
- ii. The Surface Water Monitoring Program;
- iii. The completed Trigger Action Response Plan,
- iv. A Site Water Balance Report that includes:
  - a. a representation of the initial dewatering period followed by ongoing maintenance dewatering and reflecting changes to operational settings over the life of the project (e.g. changes to sub-catchment drainage);
  - b. all water inputs to (e.g. direct rainfall, runoff, groundwater inflows, transfers) and outputs from the pits (e.g. evaporation, reuse, transfers, discharges);
  - c. modelling based on a suitable, long-term dataset from a nearby meteorological station
  - d. justification for key model assumptions.

## E1.5 Ongoing monitoring and reporting

Following receipt of the WMP, ongoing monitoring and reporting requirements or other licence conditions may be placed on the licence.



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## Dictionary

### General Dictionary

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

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





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TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Tim Gilbert

Environment Protection Authority

(By Delegation)

Date of this edition: 01-March-2000





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End Notes	
1	Licence varied by notice 1009191, issued on 27-Jun-2002, which came into effect on 22-Jul-2002.
2	Licence varied by change to legislation, issued on 05-Jul-2007, which came into effect on 05-Jul-2007.
3	Licence varied by notice 1076261, issued on 19-Sep-2007, which came into effect on 19-Sep-2007.
4	Licence varied by notice 1079904, issued on 28-Nov-2007, which came into effect on 28-Nov-2007.
5	Licence varied by notice 1082805, issued on 06-Mar-2008, which came into effect on 06-Mar-2008.
6	Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
7	Licence varied by notice 1093859, issued on 18-Nov-2008, which came into effect on 18-Nov-2008.
8	Licence varied by change to FBA for summer pollutants, issued on 16-Jan-2009, which came into effect on 16-Jan-2009.
9	Licence varied by notice 1097146, issued on 20-Apr-2009, which came into effect on 20-Apr-2009.
10	Licence varied by notice 1524840 issued on 08-Sep-2014
11	Licence varied by notice 1528953 issued on 19-Mar-2015
12	Licence transferred through application 1530237 approved on 04-May-2015 , which came into effect on 04-May-2015
13	Licence varied by notice 1601711 issued on 23-Mar-2021
14	Licence varied by notice 1630870 issued on 18-Oct-2023
15	Licence varied by notice 1646427 issued on 28-Jan-2025