



Bringelly Brickworks and Quarry Expansion | State Significant Development

INDEPENDENT ENVIRONMENTAL AUDIT

Prepared for PGH Bricks and Pavers Pty Ltd | 4 July 2024



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STATE SIGNIFICANT DEVELOPMENT | INDEPENDENT ENVIRONMENTAL AUDIT

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PR348

Prepared by		Reviewed by
Name	Jacob Vickers	Mark Roberts
Company	Element Environment	Element Environment
Position	Senior Environmental Consultant	A/Technical director
Project Role	Auditor	Lead Auditor
		
Signature		
Date	4 July 2024	4 July 2024

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Revision	Date	Description	Prepared by	Reviewed by
0	4 July 2024	For PGH review	Element Environment	PGH Bricks and Pavers Pty Ltd
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Audit declaration

Project name	Bringelly Brickworks and Quarry Expansion
Consent number	SSD 5684
Description of project	<p>Extraction of raw material from the site in the order of 200,000 tonnes per annum (no change to current extraction consent) through continued extraction from the existing quarry area (current consent) to a maximum depth of 46 metres Australian height datum, as well as expansion of the quarrying operations over an additional 20.75 hectares (to a total of 30.65 hectares) with extraction to a maximum depth of 30 metres.</p> <p>Brick production in the order of 263, 500 tonnes of bricks per year (increase of 103,500 from current consent).</p>
Project address	60 Greendale Road, Bringelly NSW
Proponent	PGH Bricks and Pavers Pty Ltd
Title of audit	Bringelly Brickworks and Quarry Expansion Independent Environment Audit

I declare that I have undertaken the Independent audit and prepared the contents of this independent audit report and to the best of my knowledge:

1. The audit has been undertaken in accordance with relevant condition(s) of consent.
2. The findings of the audit are reported truthfully, accurately and completely.
3. I have exercised due diligence and professional judgement in conducting the audit.
4. I have acted professionally, objectively and in an unbiased manner.
5. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child.
6. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child.
7. Neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit.
8. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Name of Auditor Mark Roberts

Signature



Company Element Environment Pty Ltd

Date 4 July 2024

Contents

1	INTRODUCTION	3
1.1	Background	3
1.2	Audit team	3
1.3	Audit objectives	4
1.4	Audit scope	4
1.5	Audit period	4
2	AUDIT METHOD	9
2.1	Development of audit scope	9
2.1.1	Complaints or incidents	9
2.1.2	Consultation	9
2.2	Compliance evaluation	11
2.3	Opening meeting	11
2.4	Site interviews	12
2.5	Site inspection	12
2.6	Closing meeting	12
3	AUDIT FINDINGS	15
3.1	Compliance performance	15
3.2	Summary of agency notices, orders, penalty notices or prosecutions	15
3.3	Audit non-compliances	16
3.4	Previous audit recommendations	31
3.5	EMP, subplans and compliance documents	31
3.6	Environmental performance	32
3.7	Consultation outcomes	32
3.8	Complaints	32
3.9	Incidents	32
3.10	Site inspection	33
3.11	Site interviews	33
3.12	Key strengths	33
3.13	Annual review	33

Tables

Table 2.1 Compliance status descriptors in this audit.....	11
Table 3.1 Audit non-compliance findings	17
Table 3.2 Previous audit recommendations.....	31
Table 3.3 Opportunities for improvement.....	32
Table 3.4 Status of annual review actions	35

Charts

Chart 3.1 Compliance status breakdown by descriptors.....	15
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Appendices

APPENDIX A INDEPENDENT AUDIT TABLE	39
APPENDIX B PLANNING SECRETARY AUDIT TEAM AGREEMENT	43
APPENDIX C CONSULTATION	47
APPENDIX D SITE PHOTOGRAPHS	50

CHAPTER 1

INTRODUCTION

1 INTRODUCTION

1.1 Background

Bringelly Brickworks (the facility) is a clay/shale quarry and brick making facility at 60 Greendale Road, Bringelly (Lot 100 in DP 1203966) (Figure 1.1). It covers approximately 386 hectares in the Camden Local Government Area. The facility has operated since 1968, and in its original form it had the capacity to process approximately 51,500 tonnes (t) of bricks per annum.

In 2013, Boral Bricks Pty Limited (Boral) prepared an environmental impact statement (EIS) to report the environmental impacts of an increase in production at the facility and continued extraction of the quarry to meet the anticipated demand for its products ('Bringelly Brickworks Extension Project', Application No. SSD_5684). PGH Bricks and Pavers Pty Ltd (PGH), wholly owned by CSR Limited (CSR), became the proponent in 2016.

The project was determined to be State significant development (SSD) under Part 4, Division 4.1 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 8 of State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP).

Since the project was approved the type of bricks demanded by the market have changed and Boral Bricks withdrew from the site. These two critical factors necessitated PGH to review its manufacturing requirements to ensure the most efficient use of all the resources available.

To manufacture the bricks demanded by the market, the type, composition and quantity of the raw materials to be imported to Bringelly Brickworks was reconsidered because the type of raw materials required could not be solely extracted from the Bringelly quarry. PGH therefore applied to the Department of Planning and Environment (currently Department of Planning, Housing and Infrastructure – DPHI) to modify SSD_5684 under Section 96(1A) of the EP&A Act to provide for an increased raw material import limit to 321,000 tonnes per annum (tpa) (referred to as MOD1). MOD1 was approved by DPHI on 31 October 2016.

The facility operated under DA 91/1194 until development commenced under SSD_5684 on 24 February 2020. DA 91/1194 was surrendered on 28 July 2020.

It is a requirement of SSD_5684 that within one year of commencing operations, and every three years thereafter, PGH must commission and pay for an independent environmental audit to assess and report on environmental performance of the facility and the adequacy of its strategies, plans and programs.

1.2 Audit team

The following audit team has been agreed by DPHI as suitably qualified, experienced and independent to undertake this audit (refer Appendix B):

- Mark Roberts – Lead auditor
- Jacob Vickers – Auditor

Mark reviewed audit findings and ensured quality and due diligence protocols were implemented during the audit. Jacob determined compliance and prepared the audit report. Mark and Jacob were part of the agreed audit team for the independent environmental audit.

Mark Roberts

Mark has over 14 years' experience in the environment sector and has prepared and managed environmental impact assessments under NSW and Commonwealth legislation including a number of State significant development applications; environmental management plans (EMP) and strategies; constraints analyses; bushfire and hazard assessment; and environmental planning advice. Mark recently audited the Bringelly Brickworks and Quarry Expansion. Mark is certified as an Integrated Management Systems Lead Auditor by Exemplar Global.

Jacob Vickers

Jacob has over 6 years' experience in contaminated land management, environmental impact assessment, environmental risk assessments and environmental management across projects in the transport, infrastructure, water, construction, and waste sectors. Jacob is certified as an Environmental Management Systems Lead Auditor by Exemplar Global.

1.3 Audit objectives

The objective of this audit is to obtain an independent and unbiased assessment of the environmental performance and compliance status of the development against the audit criteria (Appendix A).

1.4 Audit scope

Condition 9, Schedule 5 of SSD_5684 requires the scope of the audit to:

- a. Be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary.
- b. Include consultation with the relevant agencies.
- c. Assess the environmental performance of the development and assess whether it is complying with the requirements in the consent, and any other approvals, relevant EPLs and/or water licence (including any assessment, plan or program required under these approvals).
- d. Review the adequacy of any approved strategy, plan or program required under these approvals.
- e. Recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these consents; and be conducted and reported to the satisfaction of the Secretary.

The activities approved under SSD_5684 were audited, which are described in the executive summary of Hyder (2013) *Bringelly Brickworks and Quarry Expansion – environmental impact statement* and PACT (2016) *Section 961A modification supporting information – Bringelly Brickworks*.

1.5 Audit period

Condition 9, Schedule 5 of SSD_5684 stipulates the following audit frequency:

- within one year of commencement of development under the consent; and
- every three years thereafter.

Development commenced under SSD_5684 on 24 February 2020. The previous initial audit commenced on 29 January 2021, which was before the first anniversary of commencement under

SSD_5684. This audit represents the second audit of the project, and commenced on 29 February 2024, five days after the fourth anniversary of commencement under SSD_5684.

Figure 1.1
Local context

Bringelly Brickworks and Quarry Extension
STATE SIGNIFICANT DEVELOPMENT - INDEPENDENT ENVIRONMENTAL AUDIT



CHAPTER 2

AUDIT METHOD

2 AUDIT METHOD

2.1 Development of audit scope

The scope of the audit has been developed with reference to Condition 9, Schedule 5 of SSD_5684, any documented complaints or incidents and consultation with identified stakeholders.

2.1.1 Complaints or incidents

No complaints have been received during the audit period. A number of incidents were reported during the audit period as summarised in Section 3.9.

2.1.2 Consultation

Relevant stakeholders were consulted about the audit as summarised below and provided in Appendix C.

In accordance with Section 3.2 of the NSW Department of Planning, Industry and Environment (DPIE, now DPHI) (2020) *Independent Audit Post Approval Requirements* (independent audit PAR), the auditors consulted DPHI on 18 March 2024 to obtain its input into the scope of the audit (Appendix C).

DPHI responded on 18 March 2024 with no input into the audit scope but requested Element also consult with the local council (Camden Council) and NSW Environment Protection Authority (EPA). DPHI did not provide any additional input into the audit scope.

Camden Council and the EPA were subsequently consulted on 18 March 2024 regarding the scope of the audit.

Camden Council responded with the following on 8 April 2024:

- It is noted that the audit period is for approximately 2 months from March to mid April 2024. It is recommended that the review of incidents, non compliances and complaints include a period of time prior to the audit period, such as 12 months prior. This will ensure an accurate reflection of business operation, not just during the audit period.
- The detail of incidents and non-compliances should include measurable data results for air quality (particulate matter) and noise. It is noted that the audit will assess the physical extent of the Project in comparison to the approved boundary, given the mod. request (SSD-5684-Mod-2) was to increase extraction and production, if it is not already a consideration as part of the assessment of compliance with all conditions of consent applicable to the current phase of the Project/post approval and compliance documents, that an assessment of the approved extraction and production caps is included.
- It is noted that incidents, non-compliances and complaints that occurred or were made during the audit period is also in scope, it is suggested that the company's record of incidents, non-compliances and complaints during the audit period and *prior to* is also reviewed, and the audit considers the effectiveness of the company's records of responses to investigate, modify their practices and remediate in a timely manner to constraint impacts, as well as adherence with any reporting requirements when the incidents, non-compliances and complaints occur/ed is included.

It is noted that the audit period spans over the previous three years and as such the previous 12 months of operations has been considered in the audit. The audit includes an assessment of

quantitative environmental data as well as extraction and production limits, and assesses the developments management of, and response to, environmental incidents and complaints.

The EPA responded with the following observations on 25 March 2024

1. PGH Bricks & Pavers Pty Limited (“the licensee”) holds an Environment Protection Licence (EPL1808) issued under the *Protection of the Environment Operations Act 1997* (the Act) for the premises at Lot 2, Greendale Road, Bringelly NSW 2556 (“the premises”). The licence was issued in August 2000. A copy of the licence is available on the EPA’s Public Register www.epa.nsw.gov.au/licensing-and-regulation/public-registers.
2. The licensee retains primary responsibility for the environmental performance of its project activities carried out on the premises. The onus is on PGH to ensure compliance with the Act and associated regulations, as well as all relevant project approval and licence requirements.
3. On 19 December 2023, the EPA inspected the premises with the licensee to discuss the following changes proposed by the licensee:
 - the expansion of the brickworks approved under development consent SSD5684.
 - the relocation of an existing water retention basin and the construction of a new water retention basin near the corner of Greendale Rd and the entrance to the premises.
 - the proposed increase in extractive activities and brick production, submitted by PGH as a modification to SSD5684 (Mod-2).

The EPA advises that no additional information has been received from the licensee in relation to the existing development consent, or subsequent modifications. The EPA recommends that you liaise directly with the licensee in relation to the status of the proposed changes and compliance with any requirements specified in the project approval and licence.

4. The licence contains a range of conditions to protect the environment, including limit, operating, monitoring, and reporting conditions. Details of any reported non-compliances during the audit period, and the EPA response, can be viewed on the EPA’s Public Register.
5. The following requirements in relation to the premises should also be considered:
 - Pollution monitoring data is required to be published on the licensee’s website (www.pghbricks.com.au) in accordance with Section 66(6) of the Act. The EPA’s Requirements for publishing pollution monitoring data sets out the written requirements that environment protection licence holders should follow.
 - All holders of environment protection licences are required to prepare a Pollution Incident Response Monitoring Plan (PIRMP) in accordance with section 153A of the POEO Act. A copy is available on the licensee’s website. To assist licensees with preparing a PIRMP, the EPA has developed a PIRMP Guideline, which provides details on the legislative requirements, and how to prepare, test and implement the plan.
 - The licence requires the licensee to maintain a register of complaints it receives in relation to the premises. The licensee has not reported receiving any complaints since August 2016.
 - The licence requires the licensee or its employees to 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. The licensee has not reported any incidents since August 2016.
 - Previous IEA reports which include identified non-compliances and proposed recommendations;
 - Annual Review reports, and;
 - Community Consultative Committee meeting notes.
6. The licensee’s website contains information that should be considered as part of the audit. This includes:

Element has taken these observations into consideration for the purposes of this audit.

2.2 Compliance evaluation

The compliance status descriptors applied to this audit are consistent with the independent audit PAR (Table 2.1).

Table 2.1 Compliance status descriptors in this audit

Descriptor	Definition
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

The audit comprised evaluating compliance based on verifiable evidence. Verifiable evidence includes (but is not limited to):

- Review of relevant records, documents and reports (including details such as any relevant document reference, the date of the document, revision number and author).
- Opening and closing meetings.
- Interviews of relevant site personnel.
- Reviews of the photographs (including the date the photograph was taken).
- Reviews of aerial imagery and geographic information system (GIS) figures.
- Site inspections of relevant locations, activities and processes.
- Monitoring data and analysis including the period covered by the monitoring data.
- Delivery records, invoices and receipts including the record date and reference number.

The evidence used to verify the compliance status is documented in Appendix A, along with any relevant observations and recommendations, including any opportunities for improvement.

2.3 Opening meeting

The audit commenced with an on-site opening meeting hosted by Element on 26 March 2024. The purpose of the opening meeting was to confirm the scope of the audit, the audit method and agree on the people and representatives who will be involved in the audit. The meeting agenda was:

- Introduction and welcome.
- Audit objectives.
- Scope of the audit.
- Confirmation of audit criteria.
- Audit method including items to be observed during site inspection
- Site inspection
- Items since previous audit
 - Work carried out on-site
 - Complaints (if any) including recording, notification, actions, follow-up and close-out
 - Incidents (if any) including recording, notification, actions, follow-up and close-out
 - Non-compliances (if any) including recording, notification, actions, follow-up and close-out
- Questions/other
- Thanks and meeting closure

Attendees of the opening meeting were:

- Mark Roberts – lead auditor – Element.
- Jacob Vickers – Auditor – Element.
- Sharon Evans – WSHE Officer – CSR.
- Abhi Ghedia – Process Engineer – CSR.

2.4 Site interviews

The follow PGH personnel were interviewed during the site inspection on 26 March 2024:

- Sharon Evans – WSHE Officer – CSR.
- Abhi Ghedia – Process Engineer – CSR.

2.5 Site inspection

The area subject to SSD_5684 was inspected by Element staff Mark (lead auditor) and Jacob (auditor) on 26 March 2024. Element was accompanied by Sharon Evans and Abhi Ghedia during the inspection. The site inspection comprised a drive/walk over of the area, including most of the approval boundary.

Sections of the western boundary were not inspected due to access restrictions and dense vegetation.

Processes and environmental controls implemented at the facility were explained to Element during the site inspection

2.6 Closing meeting

At the closing meeting on 4 July 2024, preliminary audit findings were presented, recommendations were made, and any post-audit actions confirmed.

CHAPTER 3

AUDIT FINDINGS

3 AUDIT FINDINGS

This section documents the audit findings based on a review of available evidence during the audit period, evaluated against the audit criteria.

3.1 Compliance performance

Compliance performance is assessed against the audit criteria detailed in Appendix A. Findings are based on an evaluation of the evidence provided, site interviews, site observations and other information as documented.

A photo log of site observations is in Appendix D. A summary of compliance findings against the audit scope is shown in Chart 3.1. The detailed evidence and findings are provided in Appendix A.

Chart 3.1 Compliance status breakdown by descriptors



3.2 Summary of agency notices, orders, penalty notices or prosecutions

The development has been issued with one warning letter during the audit period (29 January 2021 to 29 February 2024) dated 1 July 2021 regarding a breach of schedule 3, condition 6 of the consent as PGH did not conduct attended noise monitoring for quarters 1 and 2 during 2020.

A warning letter is an informal action taken where a breach has been established and the Department has determined that no formal enforcement action is warranted in the circumstances.

3.3 Audit non-compliances

Findings for non-compliances identified during the audit are described in Table 3.1.

Table 3.1 Audit non-compliance findings

Non-compliance identification number	Condition	Findings	Recommendation
IEA2-1	<p>Condition 2 of Schedule 2</p> <p>The Applicant must: (a) carry out the development generally in accordance with the EIS and SEE (Mod 1); and (b) the conditions of this consent.</p>	<p>The project was not carried out in compliance with all conditions stipulated in this consent.</p>	<p>As per recommendations below.</p>
IEA2-2	<p>Condition 7 of Schedule 2</p> <p>The Applicant must not: (a) transport more than 263,500 tonnes of bricks from the site in a calendar year; (b) receive more than 90 trucks to the site per day or more than 18 trucks per hour; and (c) dispatch more than 90 trucks from the site per day or more than 18 trucks per hour.</p>	<p>a) 176,750 tonnes of bricks left the site during 2021 189,027 tonnes of bricks left the site during 2022 190,885 tonnes off bricks left the site during 2023.</p> <p>b) Truck tracking data provided by CSR indicates that more than 90 trucks were received at the site on the following dates: - 93 trucks on 30 November 2022 - 93 trucks on 3 August 2023 - 93 trucks on 4 August 2023 - 92 trucks on 7 September 2023 - 91 trucks on 23 September 2021 - 91 trucks on 12 July 2023 - 91 trucks on 21 July 2023 - 91 trucks on 22 July 2023 - 91 trucks on 2 May 2024 - 91 trucks on 30 October 2023 - 91 trucks on 6 September 2023 - 91 trucks on 3 August 2023</p> <p>However CSR advised that this data is based on an indiscriminate sensor located outside of the access gate and picks up any movement, such as moths, animals or</p>	<p>Ensure boom gate automatically closes upon the arrival of the 90th truck each day and/or 18th truck per hour.</p> <p>Truck count numbers to reset appropriately at midnight.</p> <p>Bypass arrangement to be discussed with DPHI regarding how to manage trucks that have entered the driveway off Greendale Road after 90 trucks have entered the site. (Element notes these trucks are currently allowed through the access gate to bypass directly through the site without loading or unloading).</p> <p>Existing sensor indiscriminately counts movement at the front gate. This does not provide a reliable truck count. The sensor should be modified / moved /</p>

Non-compliance identification number	Condition	Findings	Recommendation
		<p>moving plants. Further, the sensor can double count trucks if they need to manoeuvre to realign themselves before entering the site. As such, the sensor provides an indiscriminate and unreliable count of movement at the front gate and is not a verifiable counter of truck entries.</p> <p>CSR provided another data set kept by the gatehouse attendee who notes the quantity of vehicles that come through the gate and maintains a spreadsheet that accurately records total truck entries and origin. According to this second dataset, there are three non-compliant entries: 93 entries on 30 November 2022, 91 entries on 6 September 2023, 91 entries on 30 October 2023</p> <p>c) A sample of daily records were reviewed and trucks per hour were not seen to be non-compliant within these samples. It is noted that trucks per hour were shown to be non-compliant in the original dataset, however as described above these are not considered to be reliable hourly counts. Based on this, it is considered that the development is compliant with the consented limit on hourly truck entries.</p>	<p>upgraded to provide accurate timestamped truck entries to the site.</p>
IEA2-3	<p>Condition 17 of Schedule 2</p> <p>While quarrying operations are being carried out, the Applicant must ensure that these boundaries are clearly marked at all times to allow operating staff and inspecting officers to clearly identify the approved limits of extraction.</p>	<p>Quarrying operations commenced under this consent in March 2023 and Element has not sighted evidence that boundaries remain clearly marked out, nor did Element observe pegs during the site visit.</p>	<p>A search is to be undertaken for survey pegs, all pegs to be pictured, dated and co-ordinates saved on internal systems to ensure all pegs can be easily located and identified.</p> <p>All survey pegs should be located prior to any further quarrying activities at the site.</p>

Non-compliance identification number	Condition	Findings	Recommendation
IEA2-4	<p>Condition 4A of Schedule 3</p> <p>The Applicant must ensure that the noise bund adjacent to Greendale Road is constructed prior to the commencement of brick making operations.</p>	<p>Brick making is occurring under SSD_5684. However, the bund adjacent to Greendale Road has not been constructed.</p>	<p>Element understands this matter is to be resolved under Modification 2, which is currently under assessment.</p>
IEA2-5	<p>Condition 6 of Schedule 3</p> <p>The Applicant must prepare and implement a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with the EPA; (b) be submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise; (c) describe the reasonable and feasible mitigation measures that would be implemented to ensure: <ul style="list-style-type: none"> • construction noise is minimise; • compliance with the relevant noise criteria and operating conditions in this consent; • best management practice is being employed; and • the noise impacts of the development are minimised during meteorological conditions under which the noise criteria in this consent do not apply; (d) describe the proposed noise management system on site; and (e) include a quarterly (or as otherwise agreed with the Secretary) noise monitoring program that: <ul style="list-style-type: none"> • uses attended monitoring to evaluate the compliance of the development against the noise criteria in this consent; • evaluates and reports on the effectiveness of the noise management system and the best practice noise management measures; and 	<p>The Department approved revised versions of environmental management plans on 12 December 2019, prior to the commencement of development under this consent. The approval included revision 4 of the Noise Management Plan as required under this condition.</p> <p>The current noise management plan (Revision 7, dated September 2021) was submitted to the Department on 13 May 2022 and approved by the Department on 16 May 2022. The letter from the Department dated 16 May 2022 acknowledges that the revisions included consultation with the EPA.</p> <p>Quarterly noise monitoring was carried out during the audit period with the exception of quarter 3 in 2021, however it is understood that consultants were unable to get to site due to Covid-19 restrictions that were in place at the time.</p> <p>Given that quarterly noise monitoring was not implemented for each quarter within the audit period, the project is non-compliant with this condition.</p>	<p>CSR to pro-actively engage noise consultants ahead of quarterly monitoring deadlines and ensure that resources are in place to carry out the monitoring within the timeframes required under this condition.</p>

Non-compliance identification number	Condition	Findings	Recommendation
	<ul style="list-style-type: none"> defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents. <p>The Applicant must implement the approved management plan as approved from time to time by the Secretary.</p>		
IEA2-6	<p>Condition 8 of Schedule 3</p> <p>The Applicant must:</p> <ul style="list-style-type: none"> (a) implement all reasonable and feasible measures to minimise the stack and dust emissions of the development; (b) minimise surface disturbance and maximise progressive rehabilitation; (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note (d) to Tables 3-6 above); and (d) monitor and report on compliance with the relevant air quality conditions in this consent; to the satisfaction of the Secretary. 	<p>Whilst there have been a number of exceedances of 24-hour period PM10 concentrations, most are related to high wind conditions and all occurred prior to the relocating of the HVAS from near the operational area to near the project boundary. The project has not received any complaints.</p> <p>Water carts were observed on-site and no dust emissions were observed leaving the site. A mobile scrubber was observed moving through buildings to remove dust from the floor, and site sweeper and vacuum trucks were observed on the site which are used to remove material that falls under and around equipment to reduce dust generation. The licensed stack discharge point appeared to be in good operating condition. The scrubber at the licensed discharge point in tested in March every year.</p> <p>Evidence has not been sighted that confirms that all incident events specified above were reported to DPIE in accordance with the relevant air quality conditions in this consent (e.g. Section 8.7 -- Incident management of the air quality management plan under condition 9 of schedule 3, which refers to Condition 7 of Schedule 5 of this consent)</p>	<p>CSR to review notification requirements under the consent and implement an updated incident reporting strategy that can be shared with the site team. All exceedances of performance measures and environmental criteria under this consent must be treated as an incident, as well as any event that cause, or threatens to cause, environmental harm.</p>

Non-compliance identification number	Condition	Findings	Recommendation
IEA2-7	<p>Condition 11 of Schedule 3</p> <p>The Applicant must keep accurate records of the:</p> <p>(a) tonnage of bricks transported from the site (monthly and annually); and</p> <p>(b) number of laden vehicle movements from the site (hourly, daily, weekly, monthly and annually);</p> <p>(c) tonnage of each type of raw materials imported to the site (monthly and annually); and</p> <p>provide the Secretary with a summary of this information upon request.</p>	<p>a) Sighted extracts from SAP for tonnage of deliveries during the audit period, however it is not clear which trucks are associated with deliveries to the site and which are associated with tonnage of bricks transported from the site.</p> <p>b) Truck counts (per hour, day, and can extrapolate to weekly, month and annually) sighted for the audit period, however it is not clear which vehicles are entering or exiting the site and which are laden.</p> <p>c) Tonnage of materials delivered to site has been provided however these are not broken down into each type of raw material.</p>	<p>CSR to review data and ensure it can be presented in the forms required under the consent.</p> <p>CSR to include this detail in the standard output for such records.</p>
IEA2-8	<p>Condition 13 of Schedule 3</p> <p>The Applicant must ensure that:</p> <p>(a) all development-related heavy vehicles enter and exit the site in a forward direction;</p> <p>(b) all laden vehicles entering or exiting the site have their loads covered (with the exception of vehicles carrying bricks);</p> <p>(c) all laden vehicles that have accessed the extraction and/or stockpile areas are cleaned of sand and other material that may fall on the road, before leaving the site;</p> <p>(d) all heavy vehicles exiting the site travel east of the site along Greendale Road to The Northern Road and/or Bringelly Road;</p> <p>(e) the dispatch of laden trucks is avoided during the peak drop-off and pick-up times at the Bringelly Public School to the greatest extent practicable, particularly prior to the upgrade of the Greendale Road/Bringelly Road intersection by RMS; and</p> <p>(f) no trucks queue at the entrance to the site before 6am.</p>	<p>a) All vehicles were observed to enter and exit site in forward direction, and the site is designed in such a way that this would be the only practical way for traffic to flow through the site.</p> <p>b) Drivers code of conduct clearly outlines this requirement. No uncovered laden vehicles were observed during site visit or through aerial imagery.</p> <p>c) A high-pressure hose was observed near the exit of the site for use to clean truck tyres. A small quantity of sediment was observed on Greendale Road which indicates minor sediment tracking from the site. This may indicate that trucks are not being cleaned sufficiently prior to exiting the site.</p> <p>d) All heavy vehicles exiting the site were observed to be travelling east along Greendale Road. Signs of heavy vehicles turning west were observed on Greendale Road based on minor sediment tracking. CSR advised these movements are not associated with quarrying activities but rather employees and the water truck driver returning home. Element understands that</p>	<p>CSR to discuss exit protocol with all heavy vehicle drivers at the site.</p> <p>No heavy vehicles are permitted to turn west onto Greendale Road at any time from the site.</p> <p>CSR to ensure that truck tyres are being cleaned adequately upon exit so that no sediment tracking occurs onto Greendale Road.</p>

Non-compliance identification number	Condition	Findings	Recommendation
		<p>whilst the intent of the condition may be in reference to quarry trucks, these are still considered heavy vehicles which have been exiting the site travelling west along Greendale Road, and as such the project is non-compliant with this condition.</p> <p>e) No complaints have been received on site or from the CCC regarding traffic impacts near the school.</p> <p>f) It is assumed there is no queueing before 6am as no complaints have been received.</p>	
IEA2-9	<p>Condition 14 of Schedule 3</p> <p>Within 12 months of commencing development under this consent, unless otherwise agreed with the Secretary, the Applicant must design and construct the new site access road intersection with Greendale Road in accordance with applicable AUSTROADS standards, to the satisfaction of Camden Council. The Applicant must notify the Secretary in writing within 30 days of obtaining Council approval.</p> <p>Within 7 days of completing construction and the new site access road being operational, the existing site access road must be permanently closed.</p>	<p>On 18 February 2020, CSR notified the Department that development under the consent would commence on 24 February 2020, and as such this condition was required to be complied with by 24 February 2021.</p> <p>CSR applied for a 24-month extension on 17 December 2020. The Department responded on 24 February 2021 approving a 12-month extension for Condition 14 of Schedule 3, extending the deadline to 18 February 2022.</p> <p>Element notes the extension date of 18 February 2022 is likely an error based on the date that the Department was notified of development commencement, rather than the date that development actually commenced.</p> <p>CSR submitted another extension request to the Department on 17 November 2021. The Department responded on 13 December 2021 approving a 6-month extension (until 18 August 2022) given that a modification (Mod 2) is due to be lodged during March 2022 and would seek to amend the timeframe specified in Condition 14 of Schedule 3.</p>	Element understands this matter is to be resolved under Modification 2, which is currently under assessment.

Non-compliance identification number	Condition	Findings	Recommendation
		<p>The modification report for Mod 2 was submitted on 8 September 2022, and CSR submitted another extension request to the Department on 13 September 2022. The Department responded on 17 September 2022 approving a 12-month extension request (until 18 August 2023).</p> <p>No further extension request was submitted to the Department, and as such the project is now non-compliant with this condition.</p>	
IEA2-10	<p>Condition 17 of Schedule 3</p> <p>The Applicant must comply with the discharge limits in any EPL or with Section 120 of the POEO Act.</p>	<p>EPL 1808 has two points of discharge to water with stipulated concentration limits (Point 1 and Point 5). Point 1 must be sampled weekly during a discharge and Point 5 must be sampled 24-hours prior to a discharge.</p> <p>Discharge from point 5 was reviewed and determined to be compliant with EPL 1808.</p> <p>Discharge from point 1 was reviewed and 5 discharge events were determined to be non-compliant with EPL 1808 due to exceedances of pH during overflow discharge (pH detected outside of range permitted under the EPL, which is not included as an exemption under condition L3.6 of the EPL during heavy rainfall).</p>	<p>Element notes that CSR has limited control over discharge from point 1 as it overflows during heavy rain events. Consideration should be given to the possibility of removing discharge point 1 from the licence given it is an uncontrolled discharge point that is not located within the project site.</p>
IEA2-11	<p>Condition 19 of Schedule 3</p> <p>The Applicant must implement the Biodiversity Offset Strategy described in the EIS, as summarised in Table 7 (refer to Project Approval) and shown conceptually in Appendix 4 (refer to Project Approval), to the satisfaction of the Secretary.</p>	<p>CSR has applied for, and been granted, several deadline extensions to satisfy the Biodiversity Offset Strategy described in the EIS, however the project has been unable to do so.</p> <p>An additional extension was requested on 13 September 2022 however the extension was not granted. Given the project is unable to implement the</p>	<p>Element understands this matter is to be resolved under Modification 2, which is currently under assessment.</p>

Non-compliance identification number	Condition	Findings	Recommendation
		Biodiversity Offset Strategy as described in the EIS, the project is non-compliant with this condition.	
IEA2-12	<p>Condition 20 of Schedule 3</p> <p>Within 2 years of notifying the Department of commencement of development (see condition 8 of Schedule 2), unless otherwise agreed with the Secretary, the Applicant must make suitable arrangements to provide appropriate long-term security for the offset area, to the satisfaction of the Secretary.</p>	<p>As above. Given the extension requests were declined, the project is non-compliant with the timeframe stipulated under this condition.</p> <p>It is understood that the Department is aware that an appropriate biodiversity offset strategy will be addressed for the site in Mod 2.</p>	Element understands this matter is to be resolved under Modification 2, which is currently under assessment.
IEA2-13	<p>Condition 22 of Schedule 3</p> <p>Within 6 months of the approval of the Biodiversity Management Plan, the Applicant must lodge a conservation bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.</p>	<p>A conservation bond has not been paid. CSR advised that DPIE has been unable to give direction on who to make payment to or how to make payment.</p> <p>The project is non-compliant with this condition.</p>	CSR is to renew efforts to identify the correct payment pathway for the conservation bond.
IEA2-14	<p>Condition 28 of Schedule 3</p> <p>The Applicant must establish a vegetation screen on both noise bunds, as soon as practicable after construction of the bunds, to minimise visibility of site infrastructure from outside the development area. Following establishment, the Applicant must maintain the vegetation screen, to the satisfaction of the Secretary.</p>	<p>The noise bund north of the quarry extraction area was built in March 2023, and has minimal vegetation comprising of weeds and exotic shrubs with some native saplings interspersed throughout. The vegetation screening does not appear to be maintained and is not considered sufficient for the purposes of this condition.</p> <p>The noise bund off Greendale road has not been built.</p>	<p>CSR must provide adequate vegetation screening on the quarry noise bund using native seed or other non-weed species suitable for such use. The vegetation screen must be maintained to ensure compliance with this condition.</p> <p>Element understands the matter related to the Greendale road noise bund is to be resolved</p>

Non-compliance identification number	Condition	Findings	Recommendation
			under Modification 2, which is currently under assessment.
IEA2-15	<p>Condition 1 of Schedule 4</p> <p>As soon as practicable after obtaining monitoring results showing an exceedance of any relevant criteria in schedule 3, the Applicant must notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria.</p>	<p>Element has not witnessed any notification of landowners for any exceedances of criteria listed in Schedule 3.</p> <p>Element notes that the air quality impacts were identified on-site however CSR could not determine whether these impacts were affecting neighbouring landowners. Where there is uncertainty, neighbouring landowners should be notified.</p>	<p>CSR to implement landowner notification protocol in the event that environmental criteria are exceeded, e.g. protocol established detailing which landowners should be notified if air quality exceedance is identified for various wind directions.</p>
IEA2-16	<p>Condition 2 of Schedule 5</p> <p>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.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <p>(a) take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department</p>	<p>The development has resulted in exceedances of the criteria provided in conditions 1, 7 and 17 of Schedule 3 to this consent.</p> <p>Element has not witnessed evidence to suggest that CSR:</p> <p>a) took all reasonable and feasible measures to ensure that the exceedance ceases and does not recur; or,</p> <p>b) considered all reasonable and feasible options for remediation (where relevant) and/or submitted a report to the Department describing those options and any preferred remediation measures or other course of action.</p> <p>c) No remediation measures were recommended by the Secretary</p>	<p>CSR to continuously monitor performance measures listed under schedule 3 and implement protocol to address this consent adequately. This can be completed in a standard form template where measures are described and implemented, and any remediation is considered and actioned as required.</p>

Non-compliance identification number	Condition	Findings	Recommendation
	describing those options and any preferred remediation measures or other course of action; and (c) implement remediation measures as directed by the Secretary;		
IEA2-17	<p>Condition 3 of Schedule 5</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> <ul style="list-style-type: none"> (a) detailed baseline data; (b) a description of: <ul style="list-style-type: none"> • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; and • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a program to monitor and report on the: <ul style="list-style-type: none"> • impacts and environmental performance of the development; and • effectiveness of any management measures (see (c) above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the development over time; (g) a protocol for managing and reporting any: 	<p>Management plans triggered by the commencement of development under SSD_5684 are: traffic management plan, water management plan, air quality management plan, noise management plan, biodiversity management plan, rehabilitation management plan and heritage management plan.</p> <p>These plans have been reviewed in reference to the requirements of this condition.</p> <p>The air quality management (revision 6), water management plan (revision 4) and heritage management plan (revision 5) does not contain contingencies should limits be exceeded, and the heritage management plan does not contain measures for reporting incidents.</p> <p>Further, no evidence has been sighted to indicate that the Department has approved the current revisions of these plans:</p> <p>Heritage management plan (revision 5, dated December 2020)</p> <p>Water management plan (revision 4, dated December 2020)</p>	<p>CSR to update management plans to include contingencies as required.</p>

Non-compliance identification number	Condition	Findings	Recommendation
	<ul style="list-style-type: none"> incidents; complaints; non-compliances with statutory requirements; and exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan. <p>Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>	<p>Air quality management plan (Revision 6, dated December 2020)</p> <p>CSR advised that Debbie Cook (CSR) spoke with the Department regarding the minor changes to the above three plans and the Department did not require the revision to be submitted for approval given the changes were minor (format, layout, history update).</p>	
IEA2-18	<p>Condition 4 of Schedule 5</p> <p>By the end of September each year, the Applicant must submit a report 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 rehabilitation) that was carried out in the previous financial year, and the development that is proposed to be carried out over the current financial year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous financial year, which includes a comparison of these results against:</p> <ul style="list-style-type: none"> the relevant statutory requirements, limits or performance measures/criteria; the monitoring results of previous years; and the relevant predictions in the documents in condition 2(a) of Schedule 2; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the development;</p>	<p>Annual reviews sighted for 2021, 2022 and 2023.</p> <p>The 2021 annual review was submitted to the Department on 29 September 2021 as noted in correspondence from the Department dated 17 November 2021.</p> <p>The 2022 annual review was completed on 30 June 2022 and was submitted to the Department on 29 September 2022 as per correspondence from the Department dated 12 October 2022.</p> <p>The 2023 annual review had not been submitted to the Department at the time of the audit. It is noted that CSR has since provided evidence of submission of the 2023 annual review to the department on 24 June 2024.</p>	<p>CSR to ensure annual reviews are submitted to the Department by the end of September each year.</p>

Non-compliance identification number	Condition	Findings	Recommendation
	<p>(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the current financial year to improve the environmental performance of the development.</p>		
IEA2-19	<p>Condition 5 of Schedule 5</p> <p>Within 3 months of the submission of an:</p> <p>(a) Annual Review under condition 4 above;</p> <p>(b) incident report under condition 7 below;</p> <p>(c) audit report under condition 9 below; and</p> <p>(d) any modifications to this consent,</p> <p>the Applicant must review the 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 4 weeks of the review the revised document must be submitted for the approval of the Secretary.</p> <p>Note: 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.</p>	<p>Whilst revisions have been carried out on management plans and programs, they have not been carried out at the frequency required by annual reviews and incident reports.</p> <p>The development is non-compliant with this condition as all strategies, plans and programs required under this consent are not reviewed within 3 months of incident reports and annual reviews.</p> <p>Element notes that a letter from DPIE to CSR dated 17 November 2021 acknowledging the satisfactory submission of the 2021 Annual review included a reminder that in accordance with this condition all strategies, plans or programs required under the consent are required to be reviewed, and if required resubmitted and approved by the Secretary. It does not appear that this review was carried out.</p>	<p>CSR to update and implement review schedule for all strategies, management plans and programs required under this consent.</p> <p>This schedule is to be regularly checked and updated to ensure compliance with this condition is maintained.</p>
IEA2-20	<p>Condition 7 of Schedule 5</p> <p>The Applicant must immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	<p>An incident is defined in the development consent to include "a set of circumstances that breaches or exceeds the limits of performance measures/criteria in this consent", and as such the exceedances identified in Conditions 1, 7 and 17 of Schedule 3 are considered to be incidents. These incidents were not all immediately notified to the Department and a report of the incident was not submitted within 7 days.</p>	<p>CSR to ensure that the notification and reporting requirements outlined in approved management plans are implemented following the identification of any incident, which includes exceedance of performance measures and criteria under the consent.</p>

Non-compliance identification number	Condition	Findings	Recommendation
IEA2-21	<p>Condition 8 of Schedule 5</p> <p>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.</p>	<p>The environmental performance of the development is monitored and reported within the annual reviews. The annual reviews for 2021 and 2022 are publicly available on the PGH website however the annual review for 2023 was made public and submitted to the Department in June 2024, outside of this audit period.</p>	<p>CSR to ensure all reporting requirements are listed in a chronological schedule to assist staff in organising and resourcing the preparation and submission of all reports and reviews required under this consent.</p>
IEA2-22	<p>Condition 9 of Schedule 5</p> <p>Within a year of the commencing development under this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <ul style="list-style-type: none"> (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water Licence (including any assessment, plan or program required under these approvals); (d) review the adequacy of any approved strategy, plan or program required under these approvals; and (e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals; and be conducted and reported to the satisfaction of the Secretary. 	<p>Development commenced under this consent on 24 February 2020.</p> <p>On 2 February 2021 CSR notified the Department that the initial independent environmental audit, as required under condition 9 of schedule 5, commenced on 29 January 2021, within twelve months of the commencement of development. The audit team for the initial audit was approved by the Department on 15 December 2020 and was finalised on 29 March 2021.</p> <p>Under this condition, ongoing independent environmental audits must be commissioned every three years thereafter, with the subsequent audit to be commissioned by 24 February 2024.</p> <p>This ongoing independent environmental audit was commissioned and commenced on 29 February 2024, outside of the three-year period required under this condition. It is understood that CSR notified the Department of the commencement of this IEA on 7 March 2024. The proposed audit team for this audit was submitted to the Department for approval on 15 February 2024, and approved by the Department on 26 February 2024.</p>	<p>Resourcing to be secured ahead of time to ensure auditors are engaged prior to 24 February 2027 for the next ongoing independent environmental audit.</p>

Non-compliance identification number	Condition	Findings	Recommendation
	Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.	Given this audit was not commissioned within the timeframe specified under this consent (by 24 February 2024), the project is non-compliant with this condition. However, it is noted that the audit team was submitted for approval to the Department on 15 February 2024, prior to 24 February 2024.	
IEA2-23	<p>Condition 11 of Schedule 5</p> <p>Within 6 months of commencing development under this consent, the Applicant must:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> • the condition 2(a) of Schedule 2; • current statutory approvals for the development; • approved strategies, plans and programs required under the conditions of this consent; • 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; • a complaints register, which is to be updated monthly; • minutes of CCC meetings; • the annual reviews of the development (for the last 5 years); • any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit; • any other matter required by the Secretary; and <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	<ul style="list-style-type: none"> - EIS and SEE for Mod 1 are available. - Consolidated conditions of consent and EPL are available. - Management plans are available. - A complaints register is available, however this has not been updated monthly. - Minutes of CCC meetings are available. - Annual review for 2021 and 2022 are available (development commenced in 2020). The annual review for 2023 was not available at the time of this audit. - The initial independent environmental audit is available, but the applicants response to the recommendations of the audit is not available. <p>The development is non-compliant with this condition.</p>	CSR to review and update all documents published on the website and ensure that continuous updates are included in an environmental compliance schedule.

3.4 Previous audit recommendations

The previous independent environmental audit identified six non-compliances with three recommended associated actions as described in Table 3.2.

Table 3.2 Previous audit recommendations

Non-compliance identification number	Condition	Recommendation	Actioned
4 26	Condition 2 of Schedule 2 and Condition 4A of Schedule 3	Monitor noise to determine if the absence of the bund is resulting in noise exceedances. If not, apply to DPIE to defer construction.	Pending Modification 2.
9 64	Condition 7 of Schedule 2 and Condition 7 of Schedule 5	Continue implementation and assessment of management measures.	Ongoing
11	Condition 9 of Schedule 2	Action completed.	N/A
28	Condition 6 of Schedule 3	Action completed. Continue quarterly monitoring.	Ongoing. Noise was monitored each quarter during the audit period with the exception of Q3 in 2021.
60	Condition 3 of Schedule 5	Update plans to be compliant with condition.	Partially complete
61	Condition 4 of Schedule 5	Action completed.	N/A

There have not been any previous independent environmental audits under SSD_5684.

3.5 EMP, subplans and compliance documents

All environmental management plans, subplans and compliance documents requiring implementation under SSD_5684 by the time of this audit have been prepared and their implementation was observed during the site inspection and site interviews.

All management plans have been approved by DPIE with the exception of:

- Heritage management plan (revision 5, dated December 2020)
- Water management plan (revision 4, dated December 2020)
- Air quality management plan (Revision 6, dated December 2020)

It is noted that CSR advised that Debbie Cook (CSR) spoke with the Department regarding the minor changes to the above three plans and the Department did not require the revision to be submitted for approval given the changes were minor (format, layout, history update).

Issues associated with the completeness of the management plans are described in IEA2-18 of Table 3.1.

3.6 Environmental performance

The environmental performance of the site is generally adequate. However, some opportunities for improvement were identified, as summarised in Table 3.2 .

Table 3.3 Opportunities for improvement

Issue	Risk	Commentary	Recommendations
Refuelling area	Potential fuel spills not adequately contained.	No bunding was observed at the front-end loader refuelling area. It is noted that no stormwater drains were observed at the nearby low point and as such it is unlikely that any potential spills in this area would migrate off-site.	It is recommended that PGH implements appropriately sized bunding in the front-end loader refuelling area.
Minor sediment tracking	Sediment tracking off-site.	Minor sediment tracking was observed from the site and on to Greendale Road, with sediment tracking east and west on Greendale Road. It is noted that under the consent heavy vehicles are prohibited from turning west onto Greendale Road.	All drivers to be re-trained in key aspects of the drivers code of conduct. Drivers to be reminded upon entry of key requirements.
Materials restricting access to fire hydrant	Restricted access to fire-fighting services.	Materials were observed accumulating around a fire hydrant on-site with hazard tape around the fire hydrant.	All access to emergency equipment must be maintained at all times.
Traffic – internal speed	Heavy vehicles may be driving at speeds in excess of the internal posted speed limit.	Trucks were observed to be travelling in excess of internal posted speed limits. This observation was not quantitatively verified.	Drivers code of conduct to be updated to include mandatory compliance with internal posted speed limits.
Daily truck count form	Artificially limited daily records.	Gatehouse attendee is unable to mark entrances outside of the 6am to 6 pm period, or trucks greater than 18 per hour.	The daily truck count form should be reviewed to allow for more accurate recording of truck entries that are not artificially limited to the permitted range.

3.7 Consultation outcomes

Relevant stakeholders were consulted about the audit as summarised in Section 2.1.2 and provided in Appendix C.

3.8 Complaints

A review of the complaints register and correspondence with the WHSE officer confirmed that no complaints have been received during the audit period.

3.9 Incidents

As described in Table 3.1, the assessment of the development identified a number of incidents associated with operating outside of operating hours and exceedances of transport limits, particulate matter emissions and water quality criteria during water discharge.

Additionally, several general site incidents were reported during the audit period, including:

- Diesel spill on 28 February 2021. Diesel spilled from an un-used pipe due to a leaking valve. Soil was used to soak and contain the diesel spill and the valve was closed correctly with the end of the pipe capped. The end of the pipe was in an easily knocked position and was not in a bunded area. It is unclear how PGH disposed of the contaminated soil.
- Clay lubricant and dextrin /spill on 12 November 2021. Lubricant was on the road surface around the waste bin and was washed into dam 4 during heavy rains. The spill created a 20-30 m² off-white film on the dam surface. A vacuum truck was organised to remove the film and dispose of the liquid off-site at an appropriate waste facility.

3.10 Site inspection

The site was inspected on 26 March 2024. Environmental performance was observed and photographed (refer Appendix D).

The environmental performance of the site is generally adequate. However, as described in Table 3.2, some environmental performance issues require improvement.

3.11 Site interviews

The personnel listed in Section 2.4 were interviewed during the site visit. Site interviews were generally structured around understanding the operational processes and procedures, key environmental risks and how the site demonstrates compliance with SSD_5684 and manages key environmental risks.

Overall, the site interviews demonstrated that the personnel had a good understanding of environmental risks and controls required to mitigate these risks and comply with SSD_5684.

3.12 Key strengths

At no time during the site inspection were unsafe actions or activities, or activities presenting a material harm to the environment observed. Furthermore, the personnel interviewed demonstrated a strong understanding of the requirements of SSD_5684 and their environmental performance obligations.

3.13 Annual review

Condition 4 of Schedule 5 requires PGH to prepare and submit report on the environmental performance of the development for the previous financial year (annual review). Two annual reviews under SSD_5684 were completed at the time of this audit. The 2023 annual review was not completed at the time of this audit however it has since been finalised and as such has been reviewed.

The improvement measures recommended in the annual reviews and progress against these is provided in Table 3.3.

Table 3.4 Status of annual review actions

#	Item	Due	Status
2021 Annual review			
2021-1	Ensure the automatic weighbridge system can provide tonnages and hourly truck counts	Prior to commencement in the extension area.	Complete
2021-2	Update any strategies, plans or programs as required under consent conditions and submit to DPIE for approval prior to commencement in the extension area.	As required	Partially complete
2021-3	(a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction within the development area; and (b) submit a survey plan of these boundaries with applicable GPS coordinates to the Secretary.	Prior to commencement in the extension area.	Complete
2021-4	Provide annual quarry production data to DRG using the online portal.	By 31 October 2022 for year ending 30 June	Ongoing
2021-5	The noise bund adjacent to the northern boundary of the extraction area is to be constructed.	Prior to commencement in the extension area.	Complete
2021-6	Implement periods of respite during the construction of the new site access road and associated road alignment works, and the noise bund adjacent to Greendale Road;	During construction	Construction has not commenced
2021-7	Maintain the effectiveness of noise suppression equipment on plant and equipment on site.	At all times	Ongoing
2021-8	Minimise the noise impacts of the development during meteorological conditions under which the noise criteria in this consent do not apply.	During adverse meteorologic conditions	Ongoing
2021-9	Design and construct the new site access road intersection with Greendale Road in accordance with applicable AUSTROADS standards, to the satisfaction of Camden Council. Notify the Secretary in writing within 30 days of obtaining Council approval. Note: New intersection has prompted re-design by Council and consultation is continuing.	By 24 February 2021	Construction has not commenced. Pending Modification 2.
2021-10	Ensure the Biodiversity Management Plan is prepared and approved by DPIE and implemented.	Prior to commencement in the extension area.	Complete
2021-11	Make suitable arrangements to provide appropriate long-term security for the offset area, to the satisfaction of DPIE.	By 24 February 2022	Pending Modification 2
2021-12	Lodge a conservation bond with DPIE to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.	Within 6 months of the approval of the Biodiversity Management Plan	Incomplete
2021-13	Prepare a Final Land Use Options Plan for the site to the satisfaction of DPIE.	By 24 February 2022	Complete
2021-14	Update all Plans and Reporting under the Mine Lease conditions to be compliant with the July 2021 changes in the Mining Act and Regulation.	Prior to commencement in the extension area.	Ongoing

#	Item	Due	Status
2021-15	Establish a vegetation screen on both noise bunds, as soon as practicable after construction of the bunds.	As soon as practicable after construction of the bunds	Incomplete
2021-16	Continue liaison with Community Consultative Committee	November 2021	CCC no longer active
2021-17	Continue Environmental Monitoring and compare with relevant limits and undertake measures to maintain compliance with criteria.	As required	Ongoing
2021-18	Continue weed control measures in accordance with the Weed Management Plan and as advised by Camden Council and qualified specialists.	Ongoing	Ongoing
2022 Annual review			
2022-1	Update any strategies, plans or programs as required under Approval conditions and submit to DPE for approval prior to commencement in the extension area.	As required	Partially complete
2022-2	Provide annual quarry production data to RR using the online portal.	By 31st October 2022 for year ending 30th of June	Ongoing
2022-3	The noise bund adjacent to the northern boundary of the extraction area is to be constructed.	Subject of Mod 2	Pending Modification 2
2022-4	Maintain the effectiveness of noise suppression equipment on plant and equipment on site;	At all times.	Ongoing
2022-5	Minimise the noise impacts of the development during meteorological conditions under which the noise criteria in this Approval do not apply.	During adverse meteorologic conditions	Ongoing
2022-6	Design and construct the new site access road intersection with Greendale Road in accordance with applicable AUSTROADS standards, to the satisfaction of Camden Council. Notify the Secretary in writing within 30 days of obtaining Council approval. Note: New intersection has prompted re-design by Council and consultation is continuing.	Subject of Mod 2. PGH has requested and been approved for an extension covering the annual review period for the access way.	Construction has not commenced
2022-7	Continue liaison with DPE regarding the Biodiversity Management Plan.	Next report period	Complete
2022-8	Make suitable arrangements to provide appropriate long-term security for the offset area, to the satisfaction of DPE.	Next report period and subject of Mod 2	Pending Modification 2
2022-9	Lodge a conservation bond with DPE to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.	Within 6 months of the approval of the Biodiversity Management Plan	Incomplete
2022-10	Update all Plans and Reporting under the Mine Lease conditions to be compliant with the July 2022 changes in the Mining Act and Regulation.	Underway	Ongoing
2022-11	Establish a vegetation screen on both noise bunds, as soon as practicable after construction of the bunds.	As soon as practicable after construction of the bunds	Incomplete
2022-12	Continue liaison with Community Consultative Committee	As required	CCC no longer active
2022-13	Continue Environmental Monitoring and compare with relevant limits and undertake	As required	Ongoing

#	Item	Due	Status
	measures to maintain compliance with criteria.		
2022-14	Continue weed control measures in accordance with the Weed Management Plan and as advised by Camden Council and qualified specialists.	Ongoing	Ongoing
2023 Annual review			
2023-1	Following submission of Annual Review all plans, strategies and programs will be reviewed	December 31 st	Incomplete
2023-2	Provide annual quarry production data to RR using the online portal.	By 31 October 2023 for year ending 30 of June	Incomplete
2023-3	Establish a vegetation screen on noise bunds, as soon as practicable after construction of the bunds.	As soon as practicable after construction of the bunds	Incomplete
2023-4	Continue liaison with Community Consultative Committee	Annually	CCC no longer active
2023-5	Continue Environmental Monitoring and compare with relevant limits and undertake measures to maintain compliance with criteria.	As required	Ongoing
2023-6	Commission and undertake Independent Environmental Audit	2024	Complete

APPENDIX A

INDEPENDENT AUDIT TABLE

Schedule No	Schedule Title	Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of compliance	Evidence
2	OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT	1	In addition to meeting the specific performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Yes	Yes	CSR identified the following incidents during the audit period that threatened to cause environmental harm: - 28 February 2021 - Diesel spill - 12 November 2021 - Biodegradable material entering dam 4 - 23 July 2022 exceedance of PM10 dust measurement, report received on 24 August 2022 and reported to DPHI on 30 August 2022. - 11 November 2022 exceedance of PM10 dust measurement, report received on 14 November 2022 and notified to DPHI. - 16 September 2023 exceedance of PM10 dust measurement, report received on 17 October 2023 and notified to DPHI on 19 October 2023. - 16 & 22 October 2023, report received on 14 November 2023 and DPHI notified - Exceedance of PM10 Dust measurements None of the above incidents were considered to have caused material harm or required the activation of the Pollution Incident Response Management Plan. The immediate actions taken by CSR demonstrate that all reasonable and feasible measures were implemented to prevent and minimise the potential for material harm to the environment. Further, a number of effective environmental controls were observed during the site inspection and interviews with staff demonstrated a sound understanding of the environmental management measures used on-site and the environmental requirements stipulated under the consent and Environment Protection Licence (EPL 1808). In summary, CSR has implemented the consent conditions and management plans such that the project has not resulted in material harm to the environment.	Event/Investigation output forms from WHSE Live under event numbers: - 50214276 - 50249785 - 50463299 - 50456968 - 50463405 Site inspection Interviews This audit
2	TERMS OF CONSENT	2	The Applicant must: (a) carry out the development generally in accordance with the EIS and SEE (Mod 1); and (b) the conditions of this consent.	Yes	No	The project was not carried out in compliance with all conditions stipulated in this consent.	This audit.
2	TERMS OF CONSENT	3	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.	Yes	Yes	Noted. No inconsistencies observed.	Review of EIS/SEE and site inspections and interviews.
2	TERMS OF CONSENT	4	The Applicant must comply with any reasonable requirement/s of the Secretary arising the Department's assessment of: (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; or (c) the implementation of any actions or measures contained in these documents.	Yes	Yes	On 27 June 2022 the Department requested: - Additional information relating to the Rehabilitation Mangement Plan in the form of a revised document by 8 July 2022. CSR prepared revision 2 of the rehabilitation management plan on 28 June 2022 for revision based on DPHI feedback. The Department wrote to CSR on 2 December 2022 acknowledging receipt of the updated Rehabilitation Management Plan. The letter states that the Department is satisfied that it meets the relevant conditions of consent and that the nominee of the Planning Secretary approves the Rehabilitation Management Plan (Revision 2, dated 28 June 2022). - Additional information relating to the Biodiversity Management Plan in the form of a revised document by 8 July 2022. CSR prepared revision 2 of the Biodiversity management plan on 28 June 2022, however it is understood that the Department requested additional updates to the plan. CSR prepared revision 3 of the Biodiversity management plan on 6 December 2022 for revision based on DPHI feedback. The Department wrote to CSR on 13 December 2022 acknowledging receipt of the updated Biodiversity Management Plan. The letter states that the Department is satisfied that it meets the relevant conditions of consent and that the nominee of the Planning Secretary approves the Biodiversity Management Plan (Revision 3, dated 6 December 2022).	DPHI correspondence to CSR dated 27 June 2022 DPHI correspondence to CSR dated 13 December 2022
2	LIMITS ON CONSENT- Quarrying and Brick Making Operations	5	The Applicant may carry out quarrying operations and brick making operations from the date of commencement of development under this consent until 1 March 2045. Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of the Secretary. Consequently, this consent will continue to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard.	Yes	Yes	Quarrying of cells B C and D occurred between March and August 2023. Brick making activities continued to occur.	Site inspection Initial independent environmental audit Site interviews.
2	LIMITS ON CONSENT- Production Limits	6	The Applicant must not: (a) extract more than 200,000 tonnes of clay/shale from the site in any calendar year; (b) produce more than 263,500 tonnes of bricks at the site in any calendar year; (c) carry out quarrying operations beyond 46 m AHD; and (d) receive more than 321,000 tonnes of raw materials required for brick making to the site in any calendar year.	Yes	Yes	a) site personnel advised quarrying occurred between 1 March 2023 and 31 August 2023, with a total extraction of 196,619 tonnes. b) based on the average brick weight as per PGH Bricks Commercial Clay commons and technical data brochure, the average brick weight was taken to be 3.42 kg. The project produced the following quantity of bricks during 2021 - 2023 calender years: 2021 - 50.76 million bricks were produced, totalling 173,581 tonnes. 2022 - 56.83 million bricks, totalling 194,373 tonnes 2023 - 55.2 million bricks, totalling 188,793 tonnes. c) quarrying operations did not continue in the existing deep pit, which has been inactive since the commencement of development under this consent, and as such quarrying has not extended beyond 46 m AHD. d) 2021 - 68,051 tonnes of raw material delivered to site 2022 - 89,046 tonnes of raw material delivered to site. 2023 - 91,868 tonnes of raw material delivered to site.	PGH Bricks Commercial Clay commons and technical data (brochure, 2019) Material tracking spreadsheets provided by PGH: - Brick making schedule Brick production Bringelly Truck Movements 2021 Bringelly Truck Movements 2022 Bringelly Truck Movements 2023 Site interview
2	LIMITS ON CONSENT- Transportation Limits	7	The Applicant must not: (a) transport more than 263,500 tonnes of bricks from the site in a calendar year; (b) receive more than 90 trucks to the site per day or more than 18 trucks per hour; and (c) dispatch more than 90 trucks from the site per day or more than 18 trucks per hour.	Yes	No	a) 176,750 tonnes of bricks left the site during 2021 189,027 tonnes of bricks left the site during 2022 190,885 tonnes off bricks left the site during 2023. b) Truck tracking data provided by CSR indicates that more than 90 trucks were received at the site on the following dates: - 93 trucks on 30 November 2022 - 93 trucks on 3 August 2023 - 93 trucks on 4 August 2023 - 92 trucks on 7 September 2023 - 91 trucks on 23 September 2021 - 91 trucks on 12 July 2023 - 91 trucks on 21 July 2023 - 91 trucks on 22 July 2023 - 91 trucks on 2 May 2024 - 91 trucks on 30 October 2023 - 91 trucks on 6 September 2023 - 91 trucks on 3 August 2023 However CSR advised that this data is based on an indiscriminate sensor located outside of the access gate and picks up any movement, such as moths, animals or moving plants. Further, the sensor can double count trucks if they need to manoeuvre to realign themselves before entering the site. As such, the sensor provides an indiscriminate and unreliable count of movement at the front gate and is not a verifiable counter of truck entries. CSR provided another data set kept by the gatehouse attendee who notes the quantity of vehicles that come through the gate and maintains a spreadsheet that accurately records total truck entries and origin. According to this second dataset, there are three non-compliant entries: 93 entries on 30 November 2022, 91 entries on 6 September 2023, 91 entries on 30 October 2023 c) A sample of daily records were reviewed and trucks per hour were not seen to be non-compliant within these samples. It is noted that trucks per hour were shown to be non-compliant in the original dataset, however as described above these are not considered to be reliable hourly counts. Based on this, it is considered that the development is compliant with the consented limit	Various data tracking spreadsheets including: 2021total tonnage.docx 2022total tonnage.docx 2021 all product leaving site.xlsx truck counter Jan21 to Dec23.csv Bringelly Truck numbers.xlsx

Schedule No	Schedule Title	Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of compliance	Evidence
2	NOTIFICATION OF COMMENCEMENT	8	Prior to commencing development under this consent, the Applicant must notify the Department in writing of the date on which it will commence development permitted under this consent.	No	Not triggered	Sighted letter from DPHI (Matthew Sprott, dated 20 February 2020) acknowledging CSRs letter to the Department dated 18 February 2020 notifying the commencement of development under SSD_5684 scheduled on 24 February 2020. Given this condition has been met and the timeframe of this condition elapsed during the previous audit, it is no longer applicable to the project.	Letter from DPHI to CSR dated 20 February 2020
2	SURRENDER OF EXISTING DEVELOPMENT CONSENT	9	Within 4 months of commencing development under this consent, the Applicant must surrender the development consent (DA 91/1194) for existing operations on the site in accordance with Section 104A of the EP&A Act. Following the commencement of development under this consent, the conditions of this consent (including any notes) shall prevail to the extent of any inconsistency with the conditions of the existing development consent (DA 91/1194).	No	Not triggered	Sighted letter from PGH (Debbie Cook) dated 28/07/2020 notifying Camden Council of surrender of DA 91/1194. Given this was over four months since commencement of SSD_5684, the project remains non-compliant with this condition. However given the development consent (DA 91/1194) has since been surrendered and the timeframe of this condition elapsed during the previous audit, it is no longer applicable to the project.	Letter from CSR to council dated 28 July 2020
2	STRUCTURAL ADEQUACY	10	The Applicant must ensure that any new buildings and structures, and any alterations, or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. Notes: • Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.	No	Not triggered	No new buildings or structures, or any alterations, additions to existing buildings or structures, have been constructed during this audit period.	Site visit Site interviews
2	DEMOLITION	11	The Applicant must ensure that all demolition work on site is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	No	Not triggered	No demolition work has been carried out during the audit period.	Site visit Site interviews
2	PROTECTION OF PUBLIC INFRASTRUCTURE	12	The Applicant must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development. Note: This condition does not apply to any damage to roads caused as a result of general road usage.	No	Not triggered	There has been no damage to public infrastructure during the audit period.	Site visit Site interviews
2	OPERATION OF PLANT AND EQUIPMENT	13	The Applicant must ensure that all plant and equipment used on site or any monitoring equipment used off site for monitoring the performance of the development is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Yes	Yes	SAP Preventative Maintenance is implemented at the site to manage scheduling for the maintenance of plant and equipment. Off-site noise monitoring is carried out quarterly, Noise monitoring reports confirm that calibration was carried out on all instrumentation prior to and following measurements and that all equipment used carries appropriate and current NATA calibration certificates as per the Approved methods for the measurement and analysis of environmental noise in NSW (EPOA, 2022) and complies with AS/NZS IEC 61672.1-2019-Electroacoustics - Sound level meters - Specifications.	Site interviews Quarterly noise reports
2	UPDATING AND STAGING STRATEGIES, PLANS OR PROGRAMS	14	With the approval of the Secretary, the Applicant may submit any strategies, plans or programs required by this consent on a progressive basis. To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval. With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this consent. Notes: • While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times. • If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.	No	Not triggered	Evidence of regular updates (as seen in compliance details of schedule 3) to management plans has been provided by CSR and have been approved as required by the Department These updates include (but are not limited to): - The biodiversity management plan (see details of compliance for conditions 19 - 21 of schedule 3) was approved in a letter from DPHI to CSR dated 13 December 2022 on condition that a revised version is submitted to the Department within 3 months of the determination of Modification 2 that addresses an alternative biodiversity conservation outcome for the project. - Letter from DPHI to CSR dated 16 May 2022 accepting the revised noise management plan (revision 7) following the inclusion of changes required by the initial independent environmental audit. CSR has not requested the progressive submission of documents.	Documentation referenced as evidence for schedule 3 of this audit. Site interviews
2	UPDATING AND STAGING STRATEGIES, PLANS OR PROGRAMS	15	Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Applicant must implement the existing strategies, plans or programs for the site that have been approved under DA 91/1194.	Yes	Yes	Management plans required under schedule 3, conditions 6, 9, 15, 18, 21, 25, 26, 27 and schedule 5 condition 1 have been revised and submitted to the satisfaction of DPHI, and have replaced those equivalent strategies approved under DA 91/1194.	The evidence referred to in those conditions.
2	IDENTIFICATION OF APPROVED LIMITS OF EXTRACTION	16	Prior to undertaking quarrying operations in the extension area, the Applicant must: (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction within the development area; and (b) submit a survey plan of these boundaries with applicable GPS coordinates to the Secretary.	Yes	Yes	Quarrying occurred under SSD_5684 between March 2023 and August 2023. CSR submitted a survey plan to the Department on 3 February 2021 with applicable GPS coordinates prior to the commencement of quarrying operations under SSD_5684.	Email from Debbie Cook dated 3/02/2021. Plan of Portion ML 2 29/04/2015. Site inspection.
2	IDENTIFICATION OF APPROVED LIMITS OF EXTRACTION	17	While quarrying operations are being carried out, the Applicant must ensure that these boundaries are clearly marked at all times to allow operating staff and inspecting officers to clearly identify the approved limits of extraction.	Yes	No	Quarrying operations commenced under this consent in March 2023 and Element has not sighted evidence that boundaries remain clearly marked out, nor did Element observe pegs during the site visit.	Site visit Site interviews
2	PRODUCTION DATA	18	The Applicant must: (a) provide annual quarry production data to DRE using the standard form for that purpose; and (b) include a copy of this data in the Annual Review (see condition 4 of schedule 5).	Yes	Yes	Annual reviews sighted for 2021, 2022 and 2023 which include annual quarry production data. Element notes that the Division of Resources and Energy (DRE) effectively sits within DPHI since the 2019 restructuring of MOG.	Annual Review for Bringelly Clay / Shale Mine ML 1731 (Act 1992) Year Ending 30th June 2021 (dated September 2021) Annual Review for Bringelly Clay / Shale Mine and Brickworks ML 1731 & SSD5684 (Act 1992) Year Ending 30th June 2022 (dated June 2022) Annual Review for Bringelly Clay / Shale Mine and Brickworks ML 1731 & SSD5684 (Act 1992) Year Ending 30th June 2023 (DRAFT, dated June 2023)
2	DEVELOPER CONTRIBUTIONS	19	The Applicant must pay Camden Council road maintenance contributions of \$0.0811 for every tonne of material transported to and from the site, indexed to CPI. Each payment must be: (a) paid to Council at the end of each calendar year; and (b) based on weighbridge records of all supplementary brick making materials transported to the site and bricks and spoil transported from the site. Note: If the parties are not able to agree on any aspect of the maintenance contributions, either party may refer the matter to the Secretary for resolution.	Yes	Yes	Tax invoice / payment summaries sighted for 2021 - 2023	Camden Council Tax invoice for 2022 contribution payments Camden Council payment summary for 2021 contribution payments Camden Council payment summary for 2023 contribution payments
3	HOURS OF OPERATION	1	The Applicant must comply with the operating hours set out in Table 1 (refer to Project Approval Table 1).	Yes	No	This audit included review of the a truck counter spreadsheet provided by CSR which identified at least 390 non-compliant truck entries across over 200 individual dates during the audit period (30 January 2021 to 29 February 2024). However CSR advised that this data is based on an indiscriminate sensor located outside of the access gate and picks up any movement, such as moths, animals or moving plants. CSR provided another data set kept by the gatehouse attendee who notes the quantity of vehicles that come through the gate during each hourly period on a daily form. Element notes that the form used to monitor daily truck counts is restricted to permitted timeframes and vehicle numbers limits, e.g. the gatehouse attendee must mark entries on a template that spans from 6am to 6pm, from 0 to 18 trucks. The architecture of this form does not allow for the gatehouse attendee to mark entries prior to 6am or later than 6pm, or more than 18 trucks in a single day. Further, the CSR site manager advises that the gates are physically locked from 6 am to 6 pm and noone remains to man the gates outside of that time, and as such it would be impossible for any additional trucks to enter the site outside of that timeframe. Based on the following evidence we believe that the development is compliant with this condition: - the indiscriminate counts in the original dataset - the counts kept by the gatehouse attendee, and - the assurance from the site manager that gates are locked outside of 6 am to 6 pm. However we recommend that CSR review the truck count report template to provide more transparent and accurate record keeping, and install a sensor that can accurately discriminate between truck entries and other movements.	truck counter Jan21 to Dec23.csv Trucks per hour sample records 2021 - 2023

Schedule No	Schedule Title	Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of compliance	Evidence
3	NOISE- Noise Criteria	2	The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 2 (refer to Project Approval Table 2) at any residence on privately-owned land. Appendix 5 (refer to Project Approval) sets out the metrological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria. However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner/s to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.	Yes	Yes	No complaints have been received during the audit period. Quarterly noise monitoring was carried out during the audit period with the exception of quarter 3 in 2021 due to COVID-19 restrictions. All quarterly noise monitoring assessment reports determined that quarry noise emissions were below the relevant noise criteria.	Noise management plan (revision 7, dated September 2021) Quarterly Noise Monitoring Assessments: 2021 - Q1, Q2, Q4 2022 - Q1, Q2, Q3, Q4 2023 - Q1, Q2, Q3, Q4 Correspondence between CSR and Muller Acoustic Consulting Pty Ltd dated 3 August 2021.
3	NOISE- Construction Noise	3	The Applicant must manage noise generated during the construction of the new site access road and associated road alignment works, and the noise bund adjacent to Greendale Road, in accordance with the guidelines specified in Table 2 (refer to Project Approval Table 2) of the Interim Construction Noise Guideline. Note: Management guidelines are applicable to receivers 3 and 4, shown in Appendix 3 of the Project Approval.	No	Not triggered	Construction of the new site access road and noise bund adjacent to Greendale Road has not commenced.	Site interviews Site visit
3	NOISE- Noise Bunds	4	The Applicant must ensure that the noise bund adjacent to the northern boundary of the extraction area is constructed prior to the commencement of quarrying operations in the extension area.	Yes	Yes	The noise bund north of the quarry extraction area was built in March 2023 prior to the commencement of quarry operations in Cell D, which occurred between March 2023 and August 2023.	Aerial imagery Site interview Site visit
3	NOISE- Noise Bunds	4A	The Applicant must ensure that the noise bund adjacent to Greendale Road is constructed prior to the commencement of brick making operations.	Yes	No	Brick making operations is defined as "includes the receipt, handling, processing, storage and transportation of raw materials on site, brick making on site and transportation of finished bricks on site". Brick making as defined above is occurring under SSD_5684. However, the bund adjacent to Greendale Road has not been constructed.	Site visit Site interviews
3	NOISE- Operating Conditions	5	The Applicant must: (a) implement all reasonable and feasible mitigation measures to minimise construction, operational and road noise of the development; (b) implement periods of respite during the construction of the new site access road and associated road alignment works, and the noise bund adjacent to Greendale Road; (c) regularly assess noise monitoring data and relocate, modify and/or stop operations on site to ensure compliance with the noise criteria in this consent; (d) maintain the effectiveness of noise suppression equipment on plant and equipment on site; (e) minimise the noise impacts of the development during meteorological conditions under which the noise criteria in this consent do not apply (see Appendix 5); and (f) carry out regular noise monitoring to determine whether the development is complying with the relevant conditions of this consent, to the satisfaction of the Secretary.	Yes	Yes	a) no complaints have been received at the site and no exceedances of noise criteria have been reported during quarterly noise monitoring assessments. b) construction on this noise bund has not commenced. c) There have not been any exceedances or complaints that necessitate the modification and/or cessation of operations. d) the site uses SAP Preventative Maintenance which includes a 4M ENV Plant noise suppression effectiveness form. e) no complaints have been reported during adverse meteorological conditions. f) regular quarterly noise monitoring has been carried out with the exception of Q3 2021, which was not captured due to Covid-19 restrictions. Whilst "regular" is not specifically defined in this condition, the quarterly noise monitoring that has been carried out is considered to be regular for the purposes of this condition.	4M ENV Plant Noise Suppression Effectiveness form (SAP PM) Site interviews. Site visit. Noise management plan (revision 7, dated September 2021) Quarterly Noise Monitoring Assessments: 2021 - Q1, Q2, Q4 2022 - Q1, Q2, Q3, Q4 2023 - Q1, Q2, Q3, Q4 Correspondence between CSR and Muller Acoustic Consulting Pty Ltd dated 3 August 2021.
3	NOISE- Noise Management Plan	6	The Applicant must prepare and implement a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA; (b) be submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise; (c) describe the reasonable and feasible mitigation measures that would be implemented to ensure: • construction noise is minimised; • compliance with the relevant noise criteria and operating conditions in this consent; • best management practice is being employed; and • the noise impacts of the development are minimised during meteorological conditions under which the noise criteria in this consent do not apply; (d) describe the proposed noise management system on site; and (e) include a quarterly (or as otherwise agreed with the Secretary) noise monitoring program that: • uses attended monitoring to evaluate the compliance of the development against the noise criteria in this consent; • evaluates and reports on the effectiveness of the noise management system and the best practice noise management measures; and • defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents. The Applicant must implement the approved management plan as approved from time to time by the Secretary.	Yes	No	The Department approved revised versions of environmental management plans on 12 December 2019, prior to the commencement of development under this consent. The approval included revision 4 of the Noise Management Plan as required under this condition. The current noise management plan (Revision 7, dated September 2021) was submitted to the Department on 13 May 2022 and approved by the Department on 16 May 2022. The letter from the Department dated 16 May 2022 acknowledges that the revisions included consultation with the EPA. Quarterly noise monitoring was carried out during the audit period with the exception of quarter 3 in 2021, however it is understood that consultants were unable to get to site due to Covid-19 restrictions that were in place at the time. Given that quarterly noise monitoring was not implemented for each quarter within the audit period, the project is non compliant with this condition.	Approval of Environmental Management Plans -- Letter from DPHI to CSR dated 12 December 2019. Letter from DPHI to CSR dated 16 May 2022. Noise management plan (revision 7, dated September 2021) Quarterly Noise Monitoring Assessments: 2021 - Q1, Q2, Q4 2022 - Q1, Q2, Q3, Q4 2023 - Q1, Q2, Q3, Q4 Correspondence between CSR and Muller Acoustic Consulting Pty Ltd dated 3 August 2021.
3	AIR QUALITY- Air Quality Criteria	7	The Applicant must implement all reasonable and feasible avoidance and mitigation measures so that particulate matter emissions generated by the development do not exceed the criteria in Tables 3 to 6 (refer to Project Approval Table 3 to 6) at any residence on privately-owned land.	Yes	Yes	The 24-hour period PM10 limit was reported in exceedance of the 50ug/m3 criteria on: - 11 April 2021 - 95 ug/m3 due to high winds notified to DPHI (late notification). - 28 July 2021 - 51 ug/m3. Report received on 30 August 2021 and notified to DPHI (late notification) - 23 July 2022 - 93 ug/m3. Report was received on 24 August 2022 and reported to DPHI via the Major projects portal within 7 days of receiving the results. - 2 November 2022 - 62 ug/m3 - report received on 14 November 2022. Reported to DPHI via the Major projects portal within 7 days of receiving the results. - 11 November (results received on 14 November) the PM10 recorded at the high volume air sampler (HVAS) was reported at 62 ug/m3, and reported to DPHI within 7 days of receiving the results. - 16 September 2023 at 59 ug/m3. DPHI notified via portal on 19 October 2023. It is not clear when the report was received. - On 16 and 22 October 2023 the PM10 concentration at the HVAS was reported to be 54 and 91 ug/m3, respectively. High westerly winds were reported on the day and the measuring unit was positioned close to operations on the plant site of the bund. No quarrying was occurring on the day. The report was received on 14 November 2023 and DPHI was notified on 15 November 2023. The HVAS was moved closer to the northern boundary on 10 November 2023 and no exceedances were identified following this date during the audit period. Further, whilst exceedances were identified, it is considered that all reasonable and feasible mitigation measures were put in place. Although all measures were in place, there remains potential that the identified exceedances resulted in air quality impacts at residential receivers given the sampling location for the HVAS was situated downwind of the facility and near sensitive receivers with the greatest likelihood of dust impact. However it is noted that no complaints have been received from the surrounding community. Kiln monitoring data for 2021, 2022 and 2023 was observed to be compliant with the conditions of EPL 1808.	Annual Review for Bringelly Clay / Shale Mine ML 1731 (Act 1992) Year Ending 30th June 2021 (dated September 2021). Annual Review for Bringelly Clay / Shale Mine and Brickworks ML 1731 & SSD5684 (Act 1992) Year Ending 30th June 2023 (DRAFT, dated June 2023) Kiln monitoring data (2021, 2022 and 2023) Correspondence between CSR and DPHI Incident event summaries dust graph.xlsx Complaints register
3	AIR QUALITY- Operating Conditions	8	The Applicant must: (a) implement all reasonable and feasible measures to minimise the stack and dust emissions of the development; (b) minimise surface disturbance and maximise progressive rehabilitation; (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note (d) to Tables 3-6 above); and (d) monitor and report on compliance with the relevant air quality conditions in this consent; to the satisfaction of the Secretary.	Yes	No	Whilst there have been a number of exceedances of 24-hour period PM10 concentrations, most are related to high wind conditions and all occurred prior to the relocating of the HVAS from near the operational area to near the project boundary. The project has not received any complaints. Water carts were observed on-site and no dust emissions were observed leaving the site. A mobile scrubber was observed moving through buildings to remove dust from the floor, and site sweeper and vacuum trucks were observed on the site which are used to remove material that falls under and around equipment to reduce dust generation. The licensed stack discharge point appeared to be in good operating condition. The scrubber at the licensed discharge point in tested in March every year. Evidence has not been sighted that confirms that all incident events specified above were reported to DPHI in accordance with the relevant air quality conditions in this consent (e.g. Section 8.7 -- Incident management of the air quality management plan under condition 9 of schedule 3, which refers to Condition 7 of Schedule 5 of this consent)	Site interviews. Site visit. Incident events.
3	AIR QUALITY- Air Quality Management Plan	9	The Applicant must prepare and implement an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with the EPA; (b) be submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise; (c) describe the measures that would be implemented to ensure: • compliance with the air quality criteria and operating conditions under this consent; • best practice management is being employed; and • the air quality impacts of the development are minimised during adverse meteorological conditions; (d) describe the air quality management system; and (e) include an air quality monitoring program that: • evaluates and reports on: o the effectiveness of the air quality management system; and o compliance with the air quality criteria and operating conditions; and • defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents. The Applicant must implement the approved management plan as approved from time to time by the Secretary.	Yes	Yes	The air quality management plan (revision 5) was approved by the Department on 12 December 2019, which was prior to commencement of SSD_5684 on 24/02/2020. CSR made minor changes to the air quality management plan during December 2020, which is now revision 6. The air quality management plan (revision 6) was reviewed and is consistent with the requirements of this condition. CSR advised that Debbie Cook (CSR) spoke with the Department regarding the changes and the Department did not require the revision to be submitted for approval given the changes were minor (format, layout, history update).	Air quality management plan (revision 5 and revision 6) Letter from DPHI to CSR dated 12 December 2019. Air quality management plan (Revision 6, dated December 2020)

Schedule No	Schedule Title	Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of compliance	Evidence
3	METEOROLOGICAL MONITORING	10	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: (a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and (b) is capable of continuous measurement of stability class, in accordance with the NSW Industrial Noise Policy, or as otherwise approved by EPA.	Yes	Yes	Sighted email from VGT that the meteorological station was installed in accordance with AS3580.1.1 Methods for sampling and analysis of ambient air – Guide to siting air monitoring equipment, and operates in compliance with AS3580.14 Methods for sampling and analysis of ambient air – Meteorological monitoring for ambient air quality monitoring applications and USEPA (2000) EPA 454/R-99-005. NSW EPA approved methods state to use AM-1 (AS2922-1987) for siting of instruments (superceded by AS3580.1.1:2014), AM-2 (AS2923-1987) for measurement of horizontal wind speed (superceded by AS3580.14:2014), and AM4 for Meteorological monitoring guidance for regulatory modelling applications (USEPA (2000) EPA 454/R-99-005). VGT's NATA accreditation requires it to use the latest version of the Australian Standards. The EPA Industrial Noise states states: "Three basic schemes may be used to determine the occurrence of different stability classes at a particular site, based on the following combinations of meteorological parameters: • Direct measurement of temperature lapse rate over a height interval range of 50 metres minimum, with the lower height a minimum of 10 metres, and wind speed at 10 metres height. • Cloud cover, wind speed and solar elevation (Pasquill–Gifford stability classification scheme and Turner scheme). • Measurements of sigma-theta (the standard deviation of wind direction), wind speed and time of day. All methods involve analysing three months of meteorological data collected in winter, the season during which most inversions occur. Wind measurements are to comply with AS 3580.14-2011: Methods for sampling and analysis of ambient air, Meteorological monitoring for ambient air quality monitoring applications". The weather station is continuously measuring wind direction, wind speed and time of day, allowing the calculation of stability class.	Email from VGT dated 29/01/2021.
3	TRANSPORT- Monitoring of Product Transport	11	The Applicant must keep accurate records of the: (a) tonnage of bricks transported from the site (monthly and annually); and (b) number of laden vehicle movements from the site (hourly, daily, weekly, monthly and annually); (c) tonnage of each type of raw materials imported to the site (monthly and annually); and provide the Secretary with a summary of this information upon request.	Yes	No	a) sighted extracts from SAP for tonnage of deliveries during the audit period, however it is not clear which trucks are associated with deliveries to the site and which are associated with tonnage of bricks transported from the site b) truck counts (per hour, day, and can extrapolate to weekly, month and annually) sighted for the audit period, however it is not clear which vehicles are entering or exiting the site and which are laden. c) tonnage of materials delivered to site has been provided however these are not broken down into each type of raw material.	A range of data spreadsheets provided by CSR as well as hourly rate samples from 2021, 2022 and 2023.
3	TRANSPORT- Parking	12	The Applicant must provide sufficient parking on-site for all development-related traffic, in accordance with Camden Council's parking codes, to the satisfaction of the Secretary.	Yes	Yes	It was observed during the site visit that there was sufficient parking for all light and heavy vehicles and there was no impingement on the local roads. Furthermore, no complaints or concerns have been received from Camden Council pertaining to this matter.	Site visit Site interviews Complaints register
3	TRANSPORT- Operating Conditions	13	The Applicant must ensure that: (a) all development-related heavy vehicles enter and exit the site in a forward direction; (b) all laden vehicles entering or exiting the site have their loads covered (with the exception of vehicles carrying bricks); (c) all laden vehicles that have accessed the extraction and/or stockpile areas are cleaned of sand and other material that may fall on the road, before leaving the site; (d) all heavy vehicles exiting the site travel east of the site along Greendale Road to The Northern Road and/or Bringelly Road; (e) the dispatch of laden trucks is avoided during the peak drop-off and pick-up times at the Bringelly Public School to the greatest extent practicable, particularly prior to the upgrade of the Greendale Road/Bringelly Road intersection by RMS; and (f) no trucks queue at the entrance to the site before 6am.	Yes	No	a) All vehicles were observed to enter and exit site in forward direction, and the site is designed in such a way that this would be the only practical way for traffic to flow through the site. b) Drivers code of conduct clearly outlines this requirement. No uncovered laden vehicles were observed during site visit or through aerial imagery. (c). A high pressure hose was observed near the exit of the site for use to clean truck tyres. A small quantity of sediment was observed on Greendale Road which indicates minor sediment tracking from the site. This may indicate that trucks are not being cleaned sufficiently prior to exiting the site. (d). All heavy vehicles exiting the site were observed to be travelling east along Greendale Road. Signs of heavy vehicles turning west were observed on Greendale Road based on minor sediment tracking. CSR advised these movements are not associated with quarrying activities but rather employees and the water truck driver returning home. Element understands that whilst the intent of the condition may be in reference to quarry trucks, these are still considered heavy vehicles which have been exiting the site travelling west along Greendale Road, and as such the project is non-compliant with this condition. (e). No complaints have been received on site or from the CCC regarding traffic impacts near the school. (f). It is assumed there is no queueing before 6am as no complaints have been received.	Site visit Site interviews Complaints register Aerial imagery Truck driver induction. Drivers code of conduct. Bringelly traffic map
3	TRANSPORT- Access Road Intersection Construction	14	Within 12 months of commencing development under this consent, unless otherwise agreed with the Secretary, the Applicant must design and construct the new site access road intersection with Greendale Road in accordance with applicable AUSTROADS standards, to the satisfaction of Camden Council. The Applicant must notify the Secretary in writing within 30 days of obtaining Council approval. Within 7 days of completing construction and the new site access road being operational, the existing site access road must be permanently closed.	Yes	No	On 18 February 2020, CSR notified the Department that development under the consent would commence on 24 February 2020, and as such this condition was required to be complied with by 24 February 2021. CSR applied for a 24-month extension on 17 December 2020. The Department responded on 24 February 2021 approving a 12-month extension for Condition 14 of Schedule 3, extending the deadline to 18 February 2022. Element notes the extension date of 18 February 2022 is likely an error based on the date that the Department was notified of development commencement, rather than the date that development actually commenced. CSR submitted another extension request to the Department on 17 November 2021. The Department responded on 13 December 2021 approving a 6-month extension (until 18 August 2022) given that a modification (Mod 2) is due to be lodged during March 2022 and would seek to amend the timeframe specified in Condition 14 of Schedule 3. The modification report for Mod 2 was submitted on 8 September 2022, and CSR submitted another extension request to the Department on 13 September 2022. The Department responded on 17 September 2022 approving a 12-month extension request (until 18 August 2023). No further extension request was submitted to the Department, and as such the project is now non-compliant with this condition.	Correspondence between DPHI and CSR dated: CSR to DPHI - 18 February 2020 CSR to DPHI - 17 December 2020 DPHI to CSR - 24 February 2021 CSR to DPHI - 17 November 2021 DPHI to CSR - 13 December 2021 Modification 2 submission
3	TRANSPORT- Transport Management Plan	15	The Applicant must prepare and implement a Transport Management Plan for the development to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with RMS, Camden Council, Liverpool City Council and Bringelly Public School, and be submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise; (b) describe the measures that would be implemented to ensure compliance with the transport operating conditions under this consent, including specific measures to avoid the arrival and dispatch of laden trucks from the site during the peak drop-off and pick-up times at the Bringelly Public School; (c) include a Code of Conduct for heavy vehicle drivers that addresses: • travelling speeds; - procedures to minimise noise including a regular Truck Noise Auditing Program; - procedures to minimise diesel exhaust emissions; • instructions to avoid grouping or convoying of trucks; • procedures to ensure that drivers adhere to the designated haulage routes and the haulage hours permitted under this consent; • instructions to drivers not to overtake each other on the haulage route, as far as practicable, and to maintain appropriate distances between vehicles; and • instruction to drivers to be properly safety conscious and to strictly obey all traffic regulations, particularly in relation to school zones along Greendale Road; and (d) describe the measures that would be put in place to ensure compliance with the drivers' Code of Conduct and include a program to monitor the effectiveness of the implementation of these measures. The Applicant must implement the approved management plan as approved from time to time by the Secretary.	Yes	Yes	The traffic management plan was approved by DPHI on 12/12/2019, which was prior to commencement of SSD_5684 on 24/02/2020. The traffic management plan was reviewed and is consistent with the requirements of this condition. The transport management plan (revision 3) was submitted to Liverpool City Council for review, who provided a number of comments to be incorporated or addressed in the plan (letter from Liverpool City Council to CSR dated 21 August 2021). The current revised traffic management plan (revision 4) was approved by DPHI on 11 May 2022.	Transport management plan (revision 1) approved by DPHI in letter dated 12 December 2019. Traffic management plan (revision 4) approved by DPHI in letter dated 11 May 2022. Letter from Liverpool City Council to CSR dated 23 August 2021 Drivers code of conduct (revision 1 dated January 2021)
3	SOIL AND WATER- Water Supply	16		Yes	Yes	It is noted that Section 7.6.3 of the EIS stipulated that, as the on-site dams are used solely for the capture, containment and reticulation of drainage, consistent with best management practice to prevent impacts to Thompsons Creek, the dams are exempt from the need to obtain a licence under the WM Act. Notwithstanding the above, according to the water management plan water access licenses 26259, 26257 and 25987 apply to the site. These licenses have been sighted. PGH advised there is little scope for use of site water in processes due to impurities and , therefore, potable water is sourced from Sydney Water's reticulated supply as required.	NSW Water Register search dated 25/01/2021. Sydney Water bill dated 13/08/2020. Site inspection/interview.

Schedule No	Schedule Title	Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of compliance	Evidence
3	SOIL AND WATER- Water Discharges	17	The Applicant must comply with the discharge limits in any EPL or with Section 120 of the POEO Act.	Yes	No	<p>EPL 1808 has two points of discharge to water with stipulated concentration limits (Point 1 and Point 5). Point 1 must be sampled weekly during a discharge and Point 5 must be sampled 24-hours prior to a discharge.</p> <p>Point 5 was sampled 130 times during the audit period and water quality exceedances were identified 43 times. Of these exceedances, 18 were due to "heavy rainfall" and involved overflow discharge to Thompson Creek, whilst the remaining 25 were during regular operations no discharge occurred. Under condition L3.6 of EPL 1808, exceedance of discharge criteria for total suspended solids or turbidity is permitted during overflow discharge occurring solely due to heavy rainfall periods (50 mm over a 5-day period).</p> <p>The Badgeries Creek weather Station (station 067108) is the closest weather station (approximately 6 km away) and was reviewed against the dates of overflow discharge from point 5 which indicates the following:</p> <ul style="list-style-type: none"> - Discharge occurred between 4 and 7 July 2023, however the BOM rainfall data indicates that 232.4 mm of rain fell during a 5-day period between 2 July and 6 July. Exceedances of turbidity were permitted during this time under condition L3.6. - Discharge occurred between 2 and 9 March 2022, BOM data indicates a rolling 5-day total of 189 mm to 279 mm during this 8 day period. Exceedances of turbidity were permitted during this time under condition L3.6. - Discharge occurred between 21 and 26 March 2021, BOM data indicates a rolling 5-day total of 130 mm to 239 mm of rainfall fell over this 6-day period, and therefore exceedances of turbidity were permitted during this time under condition L3.6. <p>Sampling at Point 1 was triggered 16 times during this audit period, and was in exceedance of criteria 15 out of the 16 times. 14 of the monitoring events that identified an exceedance occurred during "overflow sampling", which is presumed to be due to high rainfall.</p> <p>Of the 15 exceedances, pH was outside of the permitted range 5 times during natural overflow discharge, which is not permitted under condition L3.6 of EPL 1808.</p> <p>Subsequently, discharge was found to be non-compliant with the limits specified in EPL 1808.</p>	<p>BOM data 2021-2023 dam water discharge monitoring spreadsheet EPL 1808</p>
3	SOIL AND WATER- Water Management Plan	18	<p>The Applicant must prepare and implement a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by suitably qualified person/s approved by the Secretary; (b) be prepared in consultation with the EPA and DPI Water; (c) be submitted to the Secretary for approval prior to the commencement of development under this consent, unless the Secretary agrees otherwise; (d) include a Site Water Balance that: <ul style="list-style-type: none"> • includes details of: <ul style="list-style-type: none"> o quantity of water required to support operations; o sources and security of water supply; o water use and management on site; o reporting procedures; and o measures to be implemented to minimise potable water use on site; (e) include a Surface Water Management Plan, that includes: <ul style="list-style-type: none"> • baseline data on surface water flows and quality in the watercourses that could be affected by the development; • a description of the surface water management system on site, including: <ul style="list-style-type: none"> o clean water diversions; o erosion and sediment controls; o the dirty water management system; and o water storages (addressing maximum harvestable rights if applicable); • performance criteria, including trigger levels for investigating any potentially adverse surface water quality impacts; • a program to monitor and report on: <ul style="list-style-type: none"> o any surface water discharges; o the effectiveness of the water management system; and o surface water flows and quality in local watercourses; • a plan to respond to any exceedances of the performance criteria. (f) a Groundwater Management Plan, which includes: <ul style="list-style-type: none"> • baseline data on groundwater levels, yield and quality in surrounding aquifers; • groundwater assessment and performance criteria, including trigger levels for investigating potentially adverse groundwater impacts; • a program to monitor: <ul style="list-style-type: none"> o groundwater inflows to the quarry pit; and o impacts of the development on surrounding aquifers; • an analysis of the monitoring results to determine long-term water levels within the quarry void; and 	Yes	Yes	<p>The water management plan was submitted to DPHI on 9/12/2019 and approved on 12 December 2019, which was before SSD_5684 commenced on 24/02/2020. The water and ground water management plans were reviewed and are consistent with the requirements of this condition.</p> <p>CSR made minor changes to the water management plan during January 2021, which is now revision 4. The water management plan (revision 4) was reviewed and is consistent with the requirements of this condition.</p> <p>CSR advised that Debbie Cook (CSR) spoke with the Department regarding the changes and the Department did not require the revision to be submitted for approval given the changes were minor (format, layout, history update).</p>	<p>Water management plan (revision 3, dated December 2019)</p> <p>Letter from DPHI to CSR dated 12 December 2019.</p> <p>Water management plan (revision 4, dated December 2020)</p>
3	BIODIVERSITY- Biodiversity Offset Strategy	19	The Applicant must implement the Biodiversity Offset Strategy described in the EIS, as summarised in Table 7 (refer to Project Approval) and shown conceptually in Appendix 4 (refer to Project Approval), to the satisfaction of the Secretary.	Yes	No	<p>BCT attended the site on 2 December 2021 to assess the suitability of the proposed 1.93 hectare area of remnant Cumberland Plain Woodland as a biodiversity offset area. BCT determined the site was not suitable for a Biodiversity Stewardship Agreement, but will consider alternative biodiversity conservation options.</p> <p>On 9 February 2022 CSR submitted a request for a 6-month extension of time for condition 20 to implement and secure the biodiversity offsets required by conditions 19, 20 and 21 of Schedule 3 of this consent.</p> <p>Table 1 of the extension request letter demonstrates a number of activities that CSR undertook between October 2021 and February 2022 in an attempt to comply with the biodiversity offset requirements.</p> <p>The Department responded on 24 May 2022 acknowledging that the BCT was not able to identify an alternative conservation outcome to address the conditions of consent, and as such CSR will resolve the issue through a modification application (Mod 2), of which the scoping report was submitted on July 2021. The Department did not approve the extension but noted that once the modification application is received and the alternative conservation outcome is understood then the extension request would be fully considered.</p> <p>CSR submitted a request for extension of conditions 19 and 20 of schedule 3 to DPHI on 13 September 2022. The Department responded on 17 November 2022 acknowledging that the applicant was to make suitable arrangements within two years of the commencement of development (development commenced on 24 February 2020), which had not been completed. The Department also noted that they understand that Modification 2 is currently on exhibition and is proposed to relocate the onsite biodiversity offset area to a more suitable location within the site. The Department declined the extension request.</p> <p>Given the project is unable to implement the Biodiversity Offset Strategy as described in the EIS, the project is non-compliant with this condition.</p>	<p>Project approval dated 3 March 2015.</p> <p>Extension request - Letter from CSR to DPHI dated 9 February 2022 and Appendix 1 (Letter from BCT to CSR dated 16 December 2021)</p> <p>Extension request for biodiversity offset - Letter from DPHI to CSR dated 24 May 2022</p> <p>Extension request for biodiversity offset - Letter from CSR to DPHI dated 13 September 2022.</p> <p>Response to extension request - Letter from DPHI to CSR dated 17 November 2022</p>
3	BIODIVERSITY- Security of Offsets	20	<p>Within 2 years of notifying the Department of commencement of development (see condition 8 of Schedule 2), unless otherwise agreed with the Secretary, the Applicant must make suitable arrangements to provide appropriate long-term security for the offset area, to the satisfaction of the Secretary.</p> <p>Note: Mechanisms to provide appropriate long term security to the land within the Biodiversity Offset Strategy include a Biobanking Agreement, Voluntary Conservation Agreement or an alternative mechanism that provides for a similar conservation outcome. Any mechanism must remain in force in perpetuity.</p>	Yes	No	<p>As above. Given the extension requests were declined, the project is non-compliant with the timeframe stipulated under this condition.</p> <p>It is understood that the Department is aware that an appropriate biodiversity offset strategy will be addressed for the site in Mod 2.</p>	Letter from DPHI to CSR dated 17 November 2022.

Schedule No	Schedule Title	Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of compliance	Evidence
3	BIODIVERSITY- Biodiversity Management Plan	21	<p>The Applicant must prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with the OEH and Camden Council; (b) be submitted to the Secretary for approval prior to undertaking quarrying operations in the extension area, unless the Secretary agrees otherwise; (c) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site; (d) describe the short, medium, and long term measures that would be implemented to: <ul style="list-style-type: none"> • manage the remnant vegetation and habitat on the site and in the offset area and; • implement the biodiversity offset strategy, including detailed performance and completion criteria; (e) include performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary); (f) include a description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for: <ul style="list-style-type: none"> • maximising the salvage of resources within the approved disturbance area - including vegetative, soil and cultural heritage resources – for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area; • minimising the impacts on fauna on site, including pre-clearance surveys and minimising the potential exposure to tailings; • controlling weeds and feral pests; • controlling erosion; • controlling access; and • bushfire management; (g) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks; and (h) include details of who would be responsible for monitoring, reviewing, and implementing the plan. <p>The Applicant must implement the approved management plan as approved from time to time by the Secretary.</p>	Yes	Yes	<p>Revision 1 of the biodiversity management plan was submitted to the Department on 9 December 2019. The Department requested additional information relating to the biodiversity management plan to be provided by 12 April 2021. CSR wrote to DPHI on 15 April 2021 stating that they had attempted to provide a response via the portal but were unable to do so.</p> <p>The letter dated 15 April 2021 advises that quarrying operations have not commenced and as such condition 21(b) schedule 3 is not triggered, and that due to recent business developments CSR requests permission to withdraw the biodiversity management plan to undertake an in-depth review. The Department responded on 16 April 2021 noting that there was no issue with withdrawing the plan.</p> <p>CSR finalised the in-depth review and provided an updated biodiversity management plan during December 2021. On 27 June 2022 the Department requested additional information relating to the Biodiversity Management Plan in the form of a revised document by 8 July 2022. CSR prepared revision 2 of the Biodiversity management plan on 28 June 2022, however it is understood that the Department requested further updates to the plan. CSR prepared revision 3 of the Biodiversity management plan on 6 December 2022 for revision based on DPHI feedback.</p> <p>The Department wrote to CSR on 13 December 2022 acknowledging receipt of the updated Biodiversity Management Plan. The letter states that the Department is satisfied that it meets the relevant conditions of consent and that the nominee of the Planning Secretary approves the Biodiversity Management Plan (Revision 3, dated 6 December 2022). The Department understands that conditions 19 and 20 of Schedule 3 have not been met and are proposed to be addressed under Modification 2 of the consent.</p> <p>The approval was therefore granted on the condition that a revised Biodiversity Management Plan be submitted within 3 months of the determination of Modification 2, including details of the approved offset.</p> <p>Modification 2 has not yet been determined and as such the project remains compliant with this condition.</p>	<p>Notification from DPHI to CSR dated 13 December 2022. Major Portals Projects Planning Portal for SSD-5684 (Status of Mod 2)</p> <p>Correspondence between DPHI and CSR</p> <p>Biodiversity management plan (revision 3, dated 6 December 2022)</p> <p>Site interviews</p>
3	BIODIVERSITY- Conservation Bond	22	<p>Within 6 months of the approval of the Biodiversity Management Plan, the Applicant must lodge a conservation bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan.</p> <p>The sum of the bond must be determined by:</p> <ul style="list-style-type: none"> (a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and (b) employing a suitably qualified quantity surveyor to verify the calculated costs, (c) to the satisfaction of the Secretary. <p>The calculation of the conservation bond must be submitted to the Department for approval at least 1 month prior to lodgement of the final bond.</p> <p>If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.</p> <p>If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part of, the conservation bond, and arrange for the satisfactory completion of the relevant works.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Alternative funding arrangements for long term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate (or any other mechanism agreed with OEH) can be used to reduce the liability of the conservation bond. • The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy or the completion of major milestones within the approved plan. 	Yes	No	<p>A conservation bond has not been paid. CSR advised that DPHI has been unable to give direction on who to make payment to or how to make payment.</p> <p>The project is non-compliant with this condition.</p>	<p>Site interviews</p>
3	REHABILITATION- Rehabilitation Objectives	23	<p>The Applicant must rehabilitate the site to the satisfaction of the Secretary. Rehabilitation must:</p> <ul style="list-style-type: none"> (a) comply with the objectives in Table 8 (refer to Project Approval); and (b) be generally consistent with the proposed rehabilitation strategy in the EIS, and the final land form shown conceptually in Appendix 4 (unless modified by the Final Land Use Options Plan, prepared in accordance with condition 25 of this consent). 	Yes	Yes	<p>Quarrying activities within cells B, C and D have recently commenced and evidence has been sited suggesting quarrying activities are being carried out in accordance with the consent and rehabilitation strategy as outlined in the EIS.</p>	<p>Bringelly Brickworks and Quarry Expansion ENVIRONMENTAL IMPACT STATEMENT (Hyder, 2013)</p> <p>Site visit Site interviews Aerial imagery</p>
3	REHABILITATION- Progressive Rehabilitation	24	<p>The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible 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>	Yes	Yes	<p>Quarrying activities within cells B, C and D have recently commenced and evidence has been sited suggesting quarrying activities are being carried out in accordance with the consent and rehabilitation strategy as outlined in the EIS.</p>	<p>Bringelly Brickworks and Quarry Expansion ENVIRONMENTAL IMPACT STATEMENT (Hyder, 2013)</p> <p>Site visit Site interviews Aerial imagery</p>
3	REHABILITATION- Final Land Use Options Plan	25	<p>The Applicant must prepare a Final Land Use Options Plan for the site to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with DRE and Camden Council; (b) be submitted to the Secretary for approval within 2 years of the date of notifying the Department of commencement of development (see condition 8 of Schedule 2), unless the Secretary agrees otherwise; (c) provide details of the conceptual final landform and associated final land uses for the site; (d) ensure that the conceptual final land form is compatible with surrounding land uses, and is consistent with the rehabilitation objectives in Table 8 (refer to Project Approval) and the objectives of the Growth Centres SEPP for the South West Growth Centre; (e) inform the Rehabilitation Management Plan (prepared in accordance with condition 26 of this consent); and (f) be reviewed every 7 years to account for applicable land use priorities, and if necessary updated. 	Yes	Yes	<p>The final landuse options plan (revision 1, dated 23 February 2022) was approved by the Department on 3 June 2022. The final landuse options plan was prepared in consultation with Camden Council. submitted within 2 years of the commencement of development and contained the information required by this condition.</p>	<p>Letter from DPHI to CSR dates 3 June 2022.</p>
3	REHABILITATION- Rehabilitation Management Plan	26	<p>The Applicant must prepare and implement a Rehabilitation Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with OEH, DRE, DPI Water and Camden Council; (b) be submitted to the Secretary for approval prior to undertaking quarrying operations in the extension area, unless the Secretary agrees otherwise; (c) provide details of the conceptual final landform and associated land uses for the site (which must be consistent with the Final Land Use Options Plan under condition 25 of this consent); (d) describe the short, medium and long term measures that would be implemented to: <ul style="list-style-type: none"> • manage remnant vegetation and habitat on site; and • ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent; (e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, including triggers for any necessary remedial action; (f) include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria; and (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan. <p>Note: The Rehabilitation Management Plan must be reviewed, and if necessary updated, following any update of the Final Land Use Options Plan. The Applicant must implement the approved management plan as approved from time to time by the Secretary.</p>	Yes	Yes	<p>The rehabilitation management plan was submitted to the Department on 12 December 2019.</p> <p>The Department requested additional information relating to the rehabilitation management plan to be provided by 14 April 2021. CSR wrote to DPHI on 15 April 2021 stating that they had attempted to provide a response via the portal but were unable to do so.</p> <p>The letter dated 15 April 2021 advises that quarrying operations have not commenced and as such condition 26(b) schedule 3 is not triggered, and that due to recent business developments CSR requests permission to withdraw the rehabilitation management plan to undertake an in-depth review. The Department responded on 16 April 2021 noting that there was no issue with withdrawing the plan.</p> <p>CSR finalised the in-depth review and provided an updated rehabilitation management plan during December 2021. On 27 June 2022 the Department requested additional information relating to the rehabilitation management plan in the form of a revised document by 8 July 2022. CSR prepared revision 2 of the rehabilitation management plan on 28 June 2022.</p> <p>The Department wrote to CSR on 2 December 2022 acknowledging receipt of the updated rehabilitation management plan. The letter states that the Department is satisfied that it meets the relevant conditions of consent and that the nominee of the Planning Secretary approves the rehabilitation management plan (Revision 2, dated 28 June 2022).</p>	<p>Notification from DPHI to CSR dated 2 December 2022.</p> <p>Correspondence between DPHI and CSR</p> <p>Rehabilitation management plan (revision 2, dated 28 June 2022)</p>
3	HERITAGE- Heritage Management Plan	27	<p>The Applicant must prepare and implement a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with OEH; (a) be submitted to the Secretary for approval prior to undertaking quarrying operations in the extension area, unless the Secretary agrees otherwise; (b) describe the measures that would be implemented to: <ul style="list-style-type: none"> • manage identified heritage objects, previously unidentified heritage objects or the discovery of any human remains on site; • ensure ongoing consultation with Aboriginal stakeholders in the conservation and management of any Aboriginal cultural heritage values on site; and • protect sites identified adjacent to the development. <p>The Applicant must implement the approved management plan as approved from time to time by the Secretary.</p>	Yes	Yes	<p>The heritage management plan (revision 4) was submitted to DPHI on 9/12/2019 and approved on 12 December 2019, which was before SSD_5684 commenced on 24/02/2020. The heritage management plan was reviewed and is consistent with the requirements of this condition.</p> <p>CSR made minor changes to the heritage management plan during January 2021, which is now revision 5. The heritage management plan (revision 5) was reviewed and is consistent with the requirements of this condition.</p> <p>CSR advised that Debbie Cook (CSR) spoke with the Department regarding the changes and the Department did not require the revision to be submitted for approval given the changes were minor (format, layout, history update).</p>	<p>Heritage management plan (revision 4, dated December 2019)</p> <p>Letter from DPHI to CSR dated 12 December 2019.</p> <p>Heritage management plan (revision 5, dated December 2020)</p>
3	VISUAL	28	<p>The Applicant must establish a vegetation screen on both noise bunds, as soon as practicable after construction of the bunds, to minimise visibility of site infrastructure from outside the development area. Following establishment, the Applicant must maintain the vegetation screen, to the satisfaction of the Secretary.</p>	Yes	No	<p>The noise bund north of the quarry extraction area was built in March 2023, and has minimal vegetation comprising of weeds and exotic shrubs with some native saplings interspersed throughout. The vegetation screening does not appear to be maintained and is not considered sufficient for the purposes of this condition.</p> <p>The noise bund off Greendale road has not been built.</p>	<p>Site visit Aerial imagery</p>

Schedule No	Schedule Title	Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of compliance	Evidence
3	VISUAL	29	The Applicant must: a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development; and b) ensure that all external lighting associated with the development complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version.	Yes	Yes	To date no visual/lighting nuisance complaints have been received. External lighting does not illuminate large areas outside of the development boundary.	Site visit Complaints register
3	BUSHFIRE MANAGEMENT	30	The Applicant must: a) ensure that the development is suitably equipped to respond to any fires on site; and b) assist the Rural Fire Service, emergency services and National Parks and Wildlife Service as much as practicable if there is a fire in the surrounding area.	Yes	Yes	The Bringelly Emergency Response Plan includes guidance for fire events including vehicle fire and bushfire and gas leaks. The klin is equipped with a gas isolation station to resppond to any potential gas leaks and associated fires. The site is connected to teh council water reticulation system which can be used in teh event of a fire. Site personnel are not trained to respond to bush fires and are advised not to. However, equipment such as water tankers and extinguishers can be made available on request.	Site inspection Site interview Bringelly Emergency Response Plan (May 2024)
3	WASTE	31	Prior to importing onto the site any material that may be classified as a waste under the EPA Waste Classification Guidelines 2009 (or its latest version), the Applicant must obtain a 'resource recovery exemption' under the POEO Act and provide evidence of this exemption to the Department. Note: This condition does not apply to routine deliveries to the site.	Yes	Yes	No waste is imported to the site, only clay materials are imported which are quarried off-site at PGH-owned and third-party owned quarries. All mining is carried out by PGH. Clay material is quarried from mines at Badgeries Creek, Orchard Hills, Canyon Leigh and the third party quarry at Luddenham.	Site visit Site interviews
3	WASTE	32	The Applicant must: a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of the EPA and Camden Council; and b) pump all sewage generated and stored on-site to a sewage treatment facility, unless otherwise agreed with the Secretary.	Yes	Yes	All sewage is collected in a dedicated bunded tank and pumped out weekly by a licensed sullage contractor (Brandster Services Pty Ltd). Bunded tank was sighted.	Site visit Site interviews
3	WASTE	33	The Applicant must: a) minimise the waste generated by the development; b) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and c) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.	Yes	Yes	All general waste is removed from site by a licensed contractor and disposed of accordingly. Overburden generated during quarrying is reused in rehabilitation as per the EIS and rehabilitation plan, e.g. with unusable materials quarried from cell D being stored within cells A and C. Bins for paper and metal recycling, general solid waste disposal and a storage area for timber waste were observed as well as a waste management plan. The most recent annual return was sighted, which contained a waste section.	Bringelly waste management plan (revision 3, dates 1 August 2022) Rehabilitation management plan (revision 2, dated 28 June 2022) Annual returns EIS
4	NOTIFICATION OF LANDOWNERS	1	As soon as practicable after obtaining monitoring results showing an exceedance of any relevant criteria in schedule 3, the Applicant must notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria.	Yes	No	Element has not witnessed any notification of landowners for any exceedances of criteria listed in Schedule 3.	Annual Review for Bringelly Clay / Shale Mine ML 1731 (Act 1992) Year Ending 30th June 2021 (dated September 2021). Annual Review for Bringelly Clay / Shale Mine and Brickworks ML 1731 & SSD5684 (Act 1992) Year Ending 30th June 2023 (DRAFT, dated June 20. Incident event reports
4	INDEPENDENT REVIEW	2	If an owner of privately-owned land considers the development to be exceeding the relevant criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land. If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Applicant must: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to: • consult with the landowner to determine his/her concerns; • conduct monitoring to determine whether the development is complying with the relevant criteria in schedule 3; • if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and (b) give the Secretary and landowner a copy of the independent review.	No	Not triggered	No independent reviews have been requested.	Site interviews
5	ENVIRONMENTAL MANAGEMENT- Environmental Management Strategy	1	If the Secretary requires, 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 Secretary requiring preparation of the strategy by notice to the Applicant; (b) provide the strategic framework for environmental management of the development; (c) identify the statutory approvals that apply to the development; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (e) describe the procedures that would be implemented to: • keep the local community and relevant agencies informed about the operation and environmental performance of the development; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the development; • respond to any non-compliance; • respond to emergencies; and (f) include: • copies of any strategies, plans and programs approved under the conditions of this consent; and • a clear plan depicting all the monitoring required to be carried out under the conditions of this consent. The Applicant must implement any Environmental Management Strategy as approved from time to time by the Secretary.	Yes	Yes	An EMS was submitted to DPHI on 9/12/2019 and approved on 12/12/2019. Sighted EMS to confirm required contents.	Letter from DPHI to CSR dated 12 December 2019.
5	ENVIRONMENTAL MANAGEMENT- Adaptive Management	2	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. Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity: (a) take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur; (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and (c) implement remediation measures as directed by the Secretary;	Yes	No	The development has resulted in exceedances of the criteria provided in conditions 1, 7 and 17 of Schedule 3 to this consent. Element has not witnessed evidence to suggest that CSR: a) took all reasonable and feasible measures to ensure that the exceedance ceases and does not recur; or, b) considered all reasonable and feasible options for remediation (where relevant) and/or submitted a report to the Department describing those options and any preferred remediation measures or other course of action c) No remediation measures were recommended by the Secretary	This audit

Schedule No	Schedule Title	Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of compliance	Evidence
5	ENVIRONMENTAL MANAGEMENT- Management Plan Requirements	3	<p>The Applicant must ensure that the Management Plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <ul style="list-style-type: none"> (a) detailed baseline data; (b) a description of: <ul style="list-style-type: none"> the relevant statutory requirements (including any relevant approval, licence or lease conditions); any relevant limits or performance measures/criteria; and the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a program to monitor and report on the: <ul style="list-style-type: none"> impacts and environmental performance of the development; and effectiveness of any management measures (see (c) above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the development over time; (g) a protocol for managing and reporting any: <ul style="list-style-type: none"> incidents; complaints; non-compliances with statutory requirements; and exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan. <p>Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>	Yes	No	<p>Management plans triggered by the commencement of development under SSD_5684 are: traffic management plan, water management plan, air quality management plan, noise management plan, biodiversity management plan, rehabilitation management plan and heritage management plan.</p> <p>These plans have been reviewed in reference to the requirements of this condition.</p> <p>The air quality management (revision 6), water management plan (revision 4) and heritage management plan (revision 5) does not contain contingencies should limits be exceeded, and the heritage management plan does not contain measures for reporting incidents.</p> <p>Further, no evidence has been sighted to indicate that the Department has approved the current revisions of these plans:</p> <p>Heritage management plan (revision 5, dated December 2020) Water management plan (revision 4, dated December 2020) Air quality management plan (Revision 6, dated December 2020)</p> <p>CSR advised that Debbie Cook (CSR) spoke with the Department regarding the minor changes to the above three plans and the Department did not require the revision to be submitted for approval given the changes were minor (format, layout, history update).</p>	<p>Traffic management plan (revision 4, dated September 2021) approved by DPHI in letter dated 11 May 2022.</p> <p>Noise management plan (Revision 7, dated September 2021) approved by the Department on 16 May 2022.</p> <p>Biodiversity management plan (revision 3, dated 6 December 2022) approved by DPHI in letter dated 13 December 2022</p> <p>Rehabilitation management plan (revision 2, dated 28 June 2022) approved by DPHI in letter dated 2 December 2022</p> <p>Heritage management plan (revision 5, dated December 2020). No evidence of DPHI approval.</p> <p>Water management plan (revision 4, dated December 2020). No evidence of DPHI approval.</p> <p>Air quality management plan (Revision 6, dated December 2020). No evidence of DPHI approval.</p>
5	ENVIRONMENTAL MANAGEMENT- Annual Review	4	<p>By the end of September each year, the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:</p> <ul style="list-style-type: none"> (a) describe the development (including rehabilitation) that was carried out in the previous financial year, and the development that is proposed to be carried out over the current financial year; (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous financial year, which includes a comparison of these results against: <ul style="list-style-type: none"> the relevant statutory requirements, limits or performance measures/criteria; the monitoring results of previous years; and the relevant predictions in the documents in condition 2(a) of Schedule 2; (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance; (d) identify any trends in the monitoring data over the life of the development; (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and (f) describe what measures will be implemented over the current financial year to improve the environmental performance of the development. 	Yes	No	<p>Annual reviews sighted for 2021, 2022 and 2023.</p> <p>The 2021 annual review was submitted to the Department on 29 September 2021 as noted in correspondence from the Department dated 17 November 2021.</p> <p>The 2022 annual review was completed on 30 June 2022 and was submitted to the Department on 29 September 2022 as per correspondence from the Department dated 12 October 2022.</p> <p>The 2023 annual review had not been submitted to the Department at the time of the audit. It is noted that CSR has since provided evidence of submission of the 2023 annual review to the department on 24 June 2024.</p>	<p>Annual Review for Bringelly Clay / Shale Mine ML 1731 (Act 1992) Year Ending 30th June 2021 (dated September 2021)</p> <p>Correspondence from the Department to CSR dated 17 November 2021.</p> <p>Annual Review for Bringelly Clay / Shale Mine and Brickworks ML 1731 & SSD5684 (Act 1992) Year Ending 30th June 2022 (dated June 2022)</p> <p>Correspondence from the Department to CSR dated 12 October 2022.</p> <p>Annual Review for Bringelly Clay / Shale Mine and Brickworks ML 1731 & SSD5684 (Act 1992) Year Ending 30th June 2023 (DRAFT, dated June 2023)</p>
5	ENVIRONMENTAL MANAGEMENT- Revision of Strategies, Plans and Programs	5	<p>Within 3 months of the submission of an:</p> <ul style="list-style-type: none"> (a) Annual Review under condition 4 above; (b) incident report under condition 7 below; (c) audit report under condition 9 below; and (d) any modifications to this consent, <p>the Applicant must review the 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 4 weeks of the review the revised document must be submitted for the approval of the Secretary.</p> <p>Note: 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.</p>	Yes	No	<p>The initial independent environmental audit report was finalised on 21 April 2021 which required updates to the Traffic Management Plan and Noise Management Plan.</p> <p>The Traffic Management Plan was updated during May 2021 however following additional regulator consultation an additional revision was required. The updated Traffic Management Plan (Revision 4, dated September 2021) was approved by the Department on 11 May 2022.</p> <p>The Noise Management Plan was updated to address the findings of the independent environmental audit however the Department notified CSR on 11 May 2022 that it could not be approved as it does not align with condition 4 and 4A. The Department requested an updated version to ensure it aligns with the conditions of consent. CSR submitted a revised Noise Management Plan (Revision 7) on 13 May 2022, which was approved by the Department on 16 May 2022.</p> <p>Whilst revisions have been carried out on management plans and programs, they have not been carried out at the frequency required by annual reviews and incident reports.</p> <p>The development is non-compliant with this condition as all strategies, plans and programs required under this consent are not reviewed within 3 months of incident reports and annual reviews. Element notes that a letter from DPHI to CSR dated 17 November 2021 acknowledging the satisfactory submission of the 2021 Annual review included a reminder that in accordance with this condition all strategies, plans or programs required under the consent are required to be reviewed, and if required resubmitted and approved by the Secretary. It does not appear that this review was carried out.</p>	<p>Annual Review letter - DPHI to CSR dated 17 November 2021</p> <p>Independent environmental audit report dated 21 April 2021</p> <p>Traffic management plan (revision 4, dated September 2021)</p> <p>Approval of traffic management plan dated 11 May 2022.</p> <p>Request for updated noise management plan - DPHI to CSR dated 11 May 2022</p> <p>Updated Noise Management plan (revision 7, dated 13 May 2022)</p> <p>Approval of noise management plan dated 16 May 2022</p> <p>2021 Annual review</p>
5	ENVIRONMENTAL MANAGEMENT- Community Consultative Committee	6	<p>The Applicant shall establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Developments (Department of Planning, 2007, or its latest version), and be operating prior to the commencement of development under this consent.</p> <p>Notes:</p> <ul style="list-style-type: none"> The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent. In accordance with the guideline, the Committee should comprise an independent chair and appropriate representation from the Applicant, Camden Council and the local community. 	Yes	Yes	<p>A CCC was established whilst DA 31/1194 was still in effect.</p> <p>Meeting minutes have been reviewed for meetings occurring on 16 June 2021, 23 September 2021, 28 July 2022, however it is understood that the CCC is no longer operating due to a lack of community interest.</p>	<p>CCC meeting minutes dated 16 June 2022, 32 September 2021, and 28 July 2022.</p> <p>Site interviews.</p>
5	REPORTING- Incident Reporting	7	<p>The Applicant must immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	Yes	No	<p>An incident is defined in the development consent to include "a set of circumstances that breaches or exceeds the limits of performance measures/criteria in this consent", and as such the exceedances identified in Conditions 1, 7 and 17 of Schedule 3 are considered to be incidents. These incidents were not all immediately notified to the Department and a report of the incident was not submitted within 7 days.</p>	<p>Annual Review for Bringelly Clay / Shale Mine ML 1731 (Act 1992) Year Ending 30th June 2021 (dated September 2021)</p> <p>Evidence sighted under conditions 1, 7 and 17 of Schedule 3</p>
5	REPORTING- Regular Reporting	8	<p>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.</p>	Yes	No	<p>The environmental performance of the development is monitored and reported within the annual reviews. The annual reviews for 2021 and 2022 are publicly available on the PGH website however the annual review for 2023 was made public and submitted to the Department in June 2024, outside of this audit period.</p>	<p>Project website.</p>
5	INDEPENDENT ENVIRONMENTAL AUDIT	9	<p>Within a year of the commencing development under this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <ul style="list-style-type: none"> (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water Licence (including any assessment, plan or program required under these approvals); (d) review the adequacy of any approved strategy, plan or program required under these approvals; and (e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals; and be conducted and reported to the satisfaction of the Secretary. <p>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.</p>	Yes	No	<p>Development commenced under this consent on 24 February 2020.</p> <p>On 2 February 2021 CSR notified the Department that the initial independent environmental audit, as required under condition 9 of schedule 5, commenced on 29 January 2021, within twelve months of the commencement of development. The audit team for the initial audit was approved by the Department on 15 December 2020 and was finalised on 29 March 2021.</p> <p>Under this condition, ongoing independent environmental audits must be commissioned every three years thereafter, with the subsequent audit to be commissioned by 24 February 2024.</p> <p>This ongoing independent environmental audit was commissioned and commenced on 29 February 2024, outside of the three-year period required under this condition. It is understood that CSR notified the Department of the commencement of this IEA on 7 March 2024. The proposed audit team for this audit was submitted to the Department for approval on 15 February 2024, and approved by the Department on 26 February 2024.</p> <p>It is noted that in this correspondence the Department requested that this audit be undertaken in accordance with the Independent Audit Post Approval Requirements (2020), which has been considered in the preparation of this audit.</p> <p>Given this audit was not commissioned within the timeframe specified under this consent (24 February 2024), the project is non-compliant with this condition. However, it is noted that the audit team was submitted for approval to the Department on 15 February 2024, prior to 24 February 2024.</p>	<p>This audit and the notification of IEA commencement submitted to the Department on 7 March 2024.</p> <p>Audit team approval received by the Department on 26 February 2024.</p>

Schedule No	Schedule Title	Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of compliance	Evidence
5	INDEPENDENT ENVIRONMENTAL AUDIT	10	<p>Within 12 weeks of commencing this audit, unless the Secretary agrees otherwise, the Applicant must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, including a timetable for the implementation of any measures proposed to address the recommendations in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.</p> <p>Within 7 days of commencing the audit, the Applicant must notify the Department in writing of the commencement of the audit.</p>	Yes	Yes	<p>Under this condition, independent environmental audits must be submitted within 12 weeks of commencement, unless otherwise agreed by the Secretary.</p> <p>This current audit commenced on 29 February 2024 and commencement was notified to the Department within 7 days on March 7 2024. Under this condition the audit was due for submission by 23 May 2024. CSR submitted an extension request for this condition on 22 April 2024, which was approved by the Department on 6 May 2024 with an extended due date of 4 July 2024. As such this current audit remains compliant with this condition.</p> <p>The initial audit commenced on 29 January 2021, and commencement was notified to the Department within 7 days on 2 February 2021. The initial audit was finalised on 21 April 2021 and submitted to DPPI on 23 April 2021, within 12 weeks of commencement.</p>	<p>DPPI extension approval dated 6 May 2024. Initial independent environmental audit dated 21 April 2021. Department notification dated 2 February 2021.</p> <p>Correspondence from DPPI to CSR dated 18 May 2021, confirming that IEA was submitted on 23 April 2021.</p>
5	ACCESS TO INFORMATION	11	<p>Within 6 months of commencing development under this consent, the Applicant must:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> the condition 2(a) of Schedule 2; current statutory approvals for the development; approved strategies, plans and programs required under the conditions of this consent; 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; a complaints register, which is to be updated monthly; minutes of CCC meetings; the annual reviews of the development (for the last 5 years); any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit; any other matter required by the Secretary; and <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	Yes	No	<ul style="list-style-type: none"> EIS and SEE for Mod 1 are available. Consolidated conditions of consent and EPL are available. Management plans are available. A complaints register is available, however this has not been updated monthly. Minutes of CCC meetings are available. Annual review for 2021 and 2022 are available (development commenced in 2020). The annual review for 2023 was not available at the time of this audit. The initial independent environmental audit is available, but the applicants response to the recommendations of the audit is not available. <p>The development is non-compliant with this condition.</p>	<p>https://www.pghbricks.com.au/nsw-environmental-reporting</p>

APPENDIX B

PLANNING SECRETARY AUDIT
TEAM AGREEMENT

NSW Planning ref: SSD-5684-PA-39

Michael Travers (Senior Project Manager)
PGH BRICKS & PAVERS PTY LIMITED
39 DELHI ROAD
NORTH RYDE New South Wales 2113
26/02/2024

Sent via the Major Projects Portal only

Subject: Bringelly Brickworks Quarry Extension - IEA Auditor nomination - Feb 2024

Dear Mr Travers

Reference is made to your post approval matter, SSD-5684-PA-39, request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Audit of the Bringelly Brickworks Quarry, submitted as required by Schedule 5, Condition 9 of SSD-5684 as modified (**the Consent**) to NSW Department of Planning, Housing and Infrastructure (**NSW Planning**) on 15 February 2024.

NSW Planning has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed person/s are suitably qualified, experienced, and independent.

In accordance with Schedule 5, Condition 9(a) of the Consent and the NSW Planning, *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse the following independent audit team from Element Environment Pty Ltd:

- Mr Mark Roberts (Lead Auditor) and
- Mr Jacob Vickers (Auditor)

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken, and finalised in accordance with the conditions of Consent and NSW Planning requests that the IEA be carried out in accordance with the *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.

NSW Planning reserves the right to request an alternate auditor or audit team for future audits.

Should you wish to discuss the matter further, please contact Gabriel Peters Shaw, Senior Compliance Officer on 0288376395 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "J Pope".

Julia Pope
Team Leader Compliance - Metro
Compliance

As nominee of the Planning Secretary

APPENDIX C

CONSULTATION

18 March 2024

Attention: Julia Pope
Team Leader Compliance - Metro



NSW Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta
NSW, 2124

PO Box 1563
Warriewood
NSW 2102

ABN 45 162 835 083

Dear Julia

SSI 5684 Bringelly Brickworks Extension Project – Independent Audit Scope

Element Environment Pty Ltd (Element) has been engaged by PGH Pavers & Bricks Pty Limited (PGH) to perform an independent audit of the Bringelly Brickworks Extension Project (the project).

The audit commenced on Thursday, 29 February 2024, and an opening meeting and site inspection is scheduled for Wednesday 20 March 2024. Collection of further audit evidence and interviews with key personnel involved in project delivery will continue in the following weeks, and a closing meeting will be scheduled once all evidence is compiled and audit findings are finalised.

Element anticipates that the final audit report will be available for submission to NSW Department of Planning and Environment (DPHI) in late-April 2024.

In accordance with Section 3.3 of the Independent Audit Post Approval Requirements (DPIE, May 2020) (the Independent Audit PAR) the audit scope will include:

- An assessment of compliance with all conditions of consent applicable to the current phase of the Project.
- An assessment of compliance with all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of environmental management plans and sub-plans; this will also include a high-level assessment of whether environmental management plans and sub-plans are adequate.
- A review of the environmental performance of the project, including an assessment of actual impacts compared to predicted impacts documented in the environmental impact assessment.
- The physical extent of the Project in comparison with the approved boundary.
- Incidents, non-compliances and complaints that occurred or were made during the audit period.
- Feedback received from DPIE (now DPHI) and other agencies and stakeholders in relation to the environmental performance of the Project during the audit period.

In accordance with Section 3.2 of the Independent Audit PAR, we are seeking DPHI's input into the scope of the audit. Also please advise if DPHI requires other parties or agencies to be consulted in relation to the audit scope.

We would appreciate if you could provide your response by Friday, 1 April 2024.

Should you have any questions or require any clarifications on the above, please do not hesitate to contact the undersigned.

Kind Regards

A handwritten signature in black ink, appearing to read 'MRoberts', with a stylized flourish at the end.

Mark Roberts
Lead Auditor

0414 670 254

mark.roberts@elementenvironment.com.au

From: [Gabriel Peters Shaw](#)
To: [Jacob Vickers](#); [Julia Pope](#)
Cc: [Mark Roberts](#); [PR348](#)
Subject: RE: SSD 5684 - Independent environmental audit of the Bringelly Brickworks Extension Project
Date: Monday, 18 March 2024 3:19:43 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Jacob,

My mistake, Julia was in a meeting with me and asked if I agreed to an extension for Bringelly Brickworks. The Project name is deceptive!

As part of your audit, please also consult with the Local Council and NSW Environment Protection Authority.

If you have any other questions, please don't hesitate to contact me.

Kind regards,

Gabriel Peters Shaw
Senior Compliance Officer

Planning & Assessment | Department of Planning, Housing and Infrastructure
T 02 8837 6395 | **M** 0499421171 | **E** gabriel.petersshaw@dpie.nsw.gov.au
Locked Bag 5022 | PARRAMATTA NSW 2124
www.dpie.nsw.gov.au



The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

From: Jacob Vickers <jacob@elementenvironment.com.au>
Sent: Monday, 18 March 2024 3:13 PM
To: Julia Pope <Julia.Pope@planning.nsw.gov.au>
Cc: Mark Roberts <mark.roberts@elementenvironment.com.au>; PR348
<PR348@elementenvironment.com.au>; Gabriel Peters Shaw <gabriel.petersshaw@dpie.nsw.gov.au>
Subject: RE: SSD 5684 - Independent environmental audit of the Bringelly Brickworks Extension Project

Hi Julia,

Apologies for any confusion, but the purpose of my email is to obtain feedback from DPHI on whether or not any additional stakeholders/matters should be addressed in the carrying out of this IEA. This is a standard request for input as per Section 3.2 of DPHI's Independent Audit Post Approval Requirements (2020).

Kind regards,

Jacob Vickers
Senior Environmental Consultant



Planning and Environment
0481 203 334 | jacob@elementenvironment.com.au

elementenvironment.com.au | Follow us on LinkedIn 

Element acknowledges the Traditional Owners of Country throughout Australia. We pay our respects to Elders past and present. This email is confidential and may contain legally privileged information. If you are not the intended recipient, you must not disclose or use the information in it. If you have received this email in error, please notify us immediately by return email and delete the email and any related attachments.

Please consider the environment before printing this email.

From: Julia Pope <Julia.Pope@planning.nsw.gov.au>
Sent: Monday, March 18, 2024 2:48 PM
To: Jacob Vickers <jacob@elementenvironment.com.au>
Cc: Mark Roberts <mark.roberts@elementenvironment.com.au>; PR348 <PR348@elementenvironment.com.au>; Gabriel Peters Shaw <gabriel.petersshaw@dpie.nsw.gov.au>
Subject: RE: SSD 5684 - Independent environmental audit of the Bringelly Brickworks Extension Project

Afternoon Jacob

As nominee of the Planning Secretary, I agree to the requested extension until 1 April 2024.

Julia Pope
Team Leader Compliance – Metro

NSW Planning | Department of Planning, Housing and Infrastructure
T 02 8217 2068 **M** (02) 0448 229 658 | **E** julia.pope@planning.nsw.gov.au

www.dphi.nsw.gov.au

Locked Bag 5022
4PSQ
12 Darcy Street
Parramatta NSW



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

All post approval and compliance documents are to be submitted online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

Please consider the environment before printing this email.

From: Jacob Vickers <jacob@elementenvironment.com.au>
Sent: Monday, 18 March 2024 2:45 PM
To: Julia Pope <Julia.Pope@planning.nsw.gov.au>

Cc: Mark Roberts <mark.roberts@elementenvironment.com.au>; PR348
<PR348@elementenvironment.com.au>

Subject: SSD 5684 - Independent environmental audit of the Bringelly Brickworks Extension Project

Dear Julia,

I am writing to you regarding an independent environmental audit (IEA) that is currently underway for the Bringelly Brickworks Extension Project (SSD-5684), please find attached a request for feedback from DPHI on the environmental performance of the project. Please indicate if there are any other stakeholders that need to be consulted by the auditors, in relation to the scope of this audit.

It would be appreciated if DPHI's feedback could be provided before close of business on 1 April 2024.

Kind regards,



Jacob Vickers

Senior Environmental Consultant

Planning and Environment

0481 203 334 | jacob@elementenvironment.com.au

elementenvironment.com.au | Follow us on LinkedIn 

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Please consider the environment before printing this email.

18 March 2024

Camden Council
70 Central Avenue,
Oran Park
NSW, 2570



PO Box 1563
Warriewood
NSW 2102

ABN 45 162 835 083

To whom it may concern,

SSI 5684 Bringelly Brickworks Extension Project – Independent Audit Scope

Element Environment Pty Ltd (Element) has been engaged by PGH Pavers & Bricks Pty Limited (PGH) to perform an independent audit of the Bringelly Brickworks Extension Project (the project).

The audit commenced on Thursday, 29 February 2024, and an opening meeting and site inspection is scheduled for Wednesday 20 March 2024. Collection of further audit evidence and interviews with key personnel involved in project delivery will continue in the following weeks, and a closing meeting will be scheduled once all evidence is compiled and audit findings are finalised.

Element anticipates that the final audit report will be available for submission to NSW Department of Planning, Housing and Infrastructure (DPHI) in late-April 2024.

In accordance with Section 3.3 of the Independent Audit Post Approval Requirements (DPIE, May 2020) (the Independent Audit PAR) the audit scope will include:

- An assessment of compliance with all conditions of consent applicable to the current phase of the Project.
- An assessment of compliance with all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of environmental management plans and sub-plans; this will also include a high-level assessment of whether environmental management plans and sub-plans are adequate.
- A review of the environmental performance of the project, including an assessment of actual impacts compared to predicted impacts documented in the environmental impact assessment.
- The physical extent of the Project in comparison with the approved boundary.
- Incidents, non-compliances and complaints that occurred or were made during the audit period.
- Feedback received from DPIE (now DPHI) and other agencies and stakeholders in relation to the environmental performance of the Project during the audit period.

In accordance with Section 3.2 of the Independent Audit PAR, we have sought DPHI's input into the scope of the audit. DPHI have requested we also consult with Camden Council in relation to the audit scope.

We would appreciate if you could provide your response by Friday, 1 April 2024.

Should you have any questions or require any clarifications on the above, please do not hesitate to contact the undersigned.

Kind Regards

A handwritten signature in black ink, appearing to read 'Mark Roberts' with a stylized flourish at the end.

Mark Roberts

Lead Auditor

0414 670 254

mark.roberts@elementenvironment.com.au

18 March 2024

Environment Protection Authority
Locked Bag 5022
Parramatta
NSW, 2124



PO Box 1563
Warriewood
NSW 2102

ABN 45 162 835 083

To whom it may concern,

SSI 5684 Bringelly Brickworks Extension Project – Independent Audit Scope

Element Environment Pty Ltd (Element) has been engaged by PGH Pavers & Bricks Pty Limited (PGH) to perform an independent audit of the Bringelly Brickworks Extension Project (the project).

The audit commenced on Thursday, 29 February 2024, and an opening meeting and site inspection is scheduled for Wednesday 20 March 2024. Collection of further audit evidence and interviews with key personnel involved in project delivery will continue in the following weeks, and a closing meeting will be scheduled once all evidence is compiled and audit findings are finalised.

Element anticipates that the final audit report will be available for submission to NSW Department of Planning, Housing and Infrastructure (DPHI) in late-April 2024.

In accordance with Section 3.3 of the Independent Audit Post Approval Requirements (DPIE, May 2020) (the Independent Audit PAR) the audit scope will include:

- An assessment of compliance with all conditions of consent applicable to the current phase of the Project.
- An assessment of compliance with all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of environmental management plans and sub-plans; this will also include a high-level assessment of whether environmental management plans and sub-plans are adequate.
- A review of the environmental performance of the project, including an assessment of actual impacts compared to predicted impacts documented in the environmental impact assessment.
- The physical extent of the Project in comparison with the approved boundary.
- Incidents, non-compliances and complaints that occurred or were made during the audit period.
- Feedback received from DPIE (now DPHI) and other agencies and stakeholders in relation to the environmental performance of the Project during the audit period.

In accordance with Section 3.2 of the Independent Audit PAR, we have sought DPHI's input into the scope of the audit. DPHI have requested we also consult with NSW Environment Protection Authority in relation to the audit scope.

We would appreciate if you could provide your response by Friday, 1 April 2024.

Should you have any questions or require any clarifications on the above, please do not hesitate to contact the undersigned.

Kind Regards

A handwritten signature in black ink, appearing to read 'M Roberts', followed by a stylized flourish.

Mark Roberts

Lead Auditor

0414 670 254

mark.roberts@elementenvironment.com.au

From: [Adam Sampson](#)
To: [Jacob Vickers](#)
Subject: RE: SSD 5684 - Independent environmental audit of the Bringelly Brickworks Extension Project
Date: Monday, 8 April 2024 3:34:32 PM
Attachments: [image014.png](#)
[image015.png](#)

You don't often get email from adam.sampson@camden.nsw.gov.au. [Learn why this is important](#)

Good Afternoon Jacob,

I apologise for the lateness of this response. With the recent public holidays, it was difficult in getting timely advice from internal specialist officers.

Further to Council's reply to submission correspondence provided to the Department last year, the following comments are made in respect to the proposed audit.

- It is noted that the audit period is for approximately 2 months from March to mid April 2024. It is recommended that the review of incidents, non compliances and complaints include a period of time prior to the audit period, such as 12 months prior. This will ensure an accurate reflection of business operation, not just during the audit period.
- The detail of incidents and non-compliances should include measurable data results for air quality (particulate matter) and noise.
- It is noted that the audit will assess the physical extent of the Project in comparison to the approved boundary, given the mod. request (SSD-5684-Mod-2) was to increase extraction and production, if it is not already a consideration as part of the assessment of compliance with all conditions of consent applicable to the current phase of the Project/post approval and compliance documents, -that an assessment of the approved extraction and production caps is included-.
- It is noted that incidents, non-compliances and complaints that occurred or were made during the audit period is also in scope, it is suggested -that the company's record of incidents, non-compliances and complaints during the audit period and *prior to* is also reviewed, and the audit considers the effectiveness of the company's records of responses to investigate, modify their practices and remediate in a timely manner to constraint impacts, as well as adherence with any reporting requirements when the incidents, non-compliances and complaints occur/ed is included-.

Regards,

Adam Sampson

Team Leader Development Assessment West (Major)



70 Central Avenue, Oran Park, 2570
02 4654 7785
www.camden.nsw.gov.au

PO Box 183, Camden NSW 2570
Adam.Sampson@camden.nsw.gov.au



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Camden Council acknowledges the Dharawal peoples as the Traditional Custodians of our lands and waterways, and also recognises the Dharug and Gundungurra Nations. We pay our respects to Elders past, present and emerging and to all Aboriginal and Torres Strait Islander peoples on these lands.



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From: Jacob Vickers <jacob@elementenvironment.com.au>

Sent: Monday, March 18, 2024 3:32 PM

To: Council Mailbox <Council.Mailbox@camden.nsw.gov.au>

Cc: Mark Roberts <mark.roberts@elementenvironment.com.au>; PR348 <PR348@elementenvironment.com.au>

Subject: SSD 5684 - Independent environmental audit of the Bringelly Brickworks Extension Project

Warning - This email originates from an external organisation

To whom it may concern,

I am writing to you regarding an independent environmental audit (IEA) that is currently underway for the Bringelly Brickworks Extension Project (SSD-5684), please find attached a request for feedback from Camden Council on the environmental performance of the project and any matters relating to the scope of this audit.

It would be appreciated if Camden Council's feedback could be provided before close of business on 1 April 2024.

Kind regards,



Jacob Vickers

Senior Environmental Consultant

Planning and Environment

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elementenvironment.com.au | Follow us on LinkedIn 

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Please consider the environment before printing this email.

Mr Jacob Vickers
Senior Environmental Consultant
Element Environmental

By email: jacob@elementenvironment.com.au

Dear Mr Vickers

Independent Environmental Audit: PGH Bricks & Pavers Pty Limited – Bringelly Brickworks Extension Project – SSD5684

I refer to your email dated 18 March 2024 seeking feedback from the Environment Protection Authority (EPA) regarding any issues or concerns the EPA may wish to be considered during the Independent Environmental Audit (IEA) of the above development.

The EPA makes the following observations:

1. PGH Bricks & Pavers Pty Limited (“the licensee”) holds an Environment Protection Licence (EPL1808) issued under the *Protection of the Environment Operations Act 1997* (the Act) for the premises at Lot 2, Greendale Road, Bringelly NSW 2556 (“the premises”). The licence was issued in August 2000. A copy of the licence is available on the EPA’s Public Register www.epa.nsw.gov.au/licensing-and-regulation/public-registers.
2. The licensee retains primary responsibility for the environmental performance of its project and activities carried out on the premises. The onus is on PGH to ensure compliance with the Act and associated regulations, as well as all relevant project approval and licence requirements.
3. On 19 December 2023, the EPA inspected the premises with the licensee to discuss the following changes proposed by the licensee:
 - the expansion of the brickworks approved under development consent SSD5684.
 - the relocation of an existing water retention basin and the construction of a new water retention basin near the corner of Greendale Rd and the entrance to the premises.
 - the proposed increase in extractive activities and brick production, submitted by PGH as a modification to SSD5684 (Mod-2).

The EPA advises that no additional information has been received from the licensee in relation to the existing development consent, or subsequent modifications. The EPA recommends that you liaise directly with the licensee in relation to the status of the proposed changes and compliance with any requirements specified in the project approval and licence.

4. The licence contains a range of conditions to protect the environment, including limit, operating, monitoring, and reporting conditions. Details of any reported non-compliances during the audit period, and the EPA response, can be viewed on the EPA’s Public Register.
5. The following requirements in relation to the premises should also be considered:
 - Pollution monitoring data is required to be published on the licensee’s website (www.pghbricks.com.au) in accordance with Section 66(6) of the Act. The EPA’s

[Requirements for publishing pollution monitoring data](#) sets out the written requirements that environment protection licence holders should follow.

- All holders of environment protection licences are required to prepare a Pollution Incident Response Monitoring Plan (PIRMP) in accordance with section 153A of the POEO Act. A copy is available on the licensee's website. To assist licensees with preparing a PIRMP, the EPA has developed a [PIRMP Guideline](#), which provides details on the legislative requirements, and how to prepare, test and implement the plan.
 - The licence requires the licensee to maintain a register of complaints it receives in relation to the premises. The licensee has not reported receiving any complaints since August 2016.
 - The licence requires the licensee or its employees to 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. The licensee has not reported any incidents since August 2016.
6. The licensee's [website](#) contains information that should be considered as part of the audit. This includes:
- Previous IEA reports which include identified non-compliances and proposed recommendations;
 - Annual Review reports, and;
 - Community Consultative Committee meeting notes.

If you have any further questions about this issue, please contact Sean Nunan on 02 9995 9577 or at sean.nunan@epa.nsw.gov.au.

Yours sincerely



25 March 2024

James Boyle
Unit Head
Operations Metro South

APPENDIX D

SITE PHOTOGRAPHS

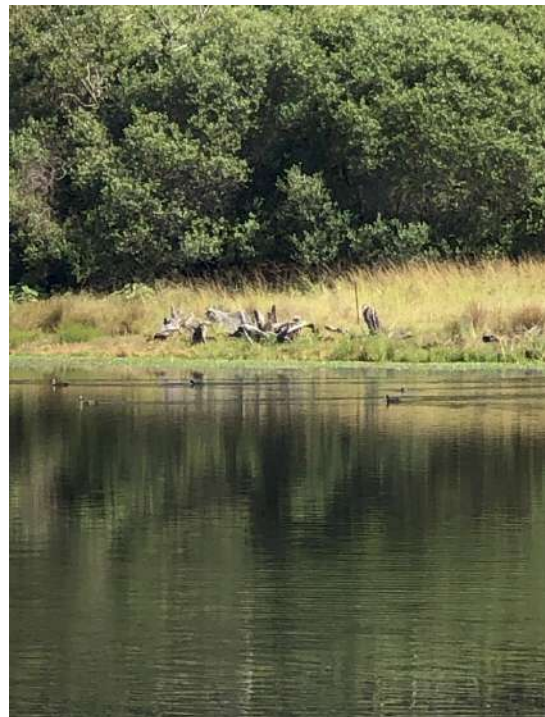
Group A. Entrance and front of site



Group A. Entrance and front of site



Group A. Entrance and front of site



Group A. Entrance and front of site



Group B. Car park and site office



Group C. Waste and material storage



Group C. Waste and material storage



Group C. Waste and material storage



Group D. Environmental controls (equipment, plant, bunds etc.)



Group D. Environmental controls (equipment, plant, bunds etc.)



Group D. Environmental controls (equipment, plant, bunds etc.)



Group D. Environmental controls (equipment, plant, bunds etc.)

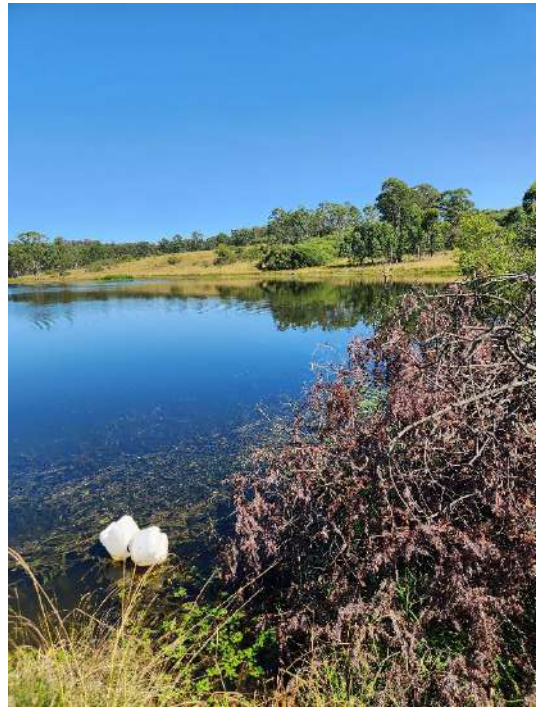


Group E. Quarry, dams, stockpiles and structures





Group E. Quarry, dams, stockpiles and structures



Group E. Quarry, dams, stockpiles and structures





SYDNEY NEWCASTLE CENTRAL COAST MACKAY
elementenvironment.com.au

