

Development Consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

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Executive Director
Regions, Industry and Key Sites Assessments

Sydney

2020

File: EF19/12179

SCHEDULE 1

Application Number:	SSD-9601
Applicant:	The Austral Brick Co Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	780 Wallgrove Road, Horsley Park Lot 7 DP 1059698
Development:	Upgrade works to the Horsley Park Brickworks Plant 2 facility including: <ul style="list-style-type: none">• partial demolition of existing Plant 2 facility and existing kilns• installation of a new kiln• extension of existing production building• stormwater detention basin• internal fire access road

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-9601-Mod-51	19 August 2022	Director	<p>Modification to:</p> <ul style="list-style-type: none"> • increase brick manufacturing throughput capacity from 80 million standard brick equivalent per annum to 130 standard brick equivalents per annum • upgrade the scrubber to a twin tower scrubber • expand the hardstand area • provide an additional car parking, gatehouse, weighbridge and driveway entry • extend the stormwater detention basin

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DEFINITIONS

Applicant	Austral Brick Co Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifier	A person who is authorised by or under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Fairfield City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the installation of new kiln, construction of production building extension and civil infrastructure works, as modified by the conditions of this consent
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EES Group	Environment, Energy and Science Group of the NSW Department of Planning, Industry and Environment.
EIS	The Environmental Impact Statement titled Environmental Impact Statement for State Significant Development 9601, prepared by Willow Tree Planning Pty Ltd dated August 2019, submitted with the application for consent for the development
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that:

	<ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Assessments	<p>The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act:</p> <p>a) SSD-9601-Mod-1, accompanied by 'Modification Application Planning Report: Section 4.55(2) Modification to SSD 9601 – Proposed Plant 2 Upgrade Works – MOD 1' dated 5 November 2021, 'Response to Submissions', dated 17 March 2022, prepared by Willowtree Planning Pty Ltd.</p>
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The use of a brick manufacturing facility as described in the EIS and RTS
Planning Secretary	The Secretary of the Department of Planning, Industry and Environment, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Principal Certifier	A person who is authorised by or under section 6.5 of the EP&A Act to issue Part 6 certificates
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled "Aboriginal cultural heritage consultation requirements for proponents 2010" (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the documents titled State Significant Development Application (SSD 9601) for Proposed Plant 2 Upgrade Works, prepared by Willow Tree Planning Pty Ltd and dated 23 January 2020 and State Significant Development Application (SSD 9601) for Proposed Plant 2 Upgrade Works, prepared by Willow Tree Planning Pty Ltd and dated 6 April 2020
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Appendix 1.
Standard Brick Equivalent	Manufactured ceramic product with an average weight of 3.1 kg
TfNSW	Transport for New South Wales
Upgrading	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation, and the carrying out of maintenance works
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and Response to Submissions;
 - (d) **Modification Assessments**
 - (e) in accordance with the Development Layout in Appendix 1; and
 - (f) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

LIMITS OF CONSENT

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.
- A6. **This development must not produce more than 403,000 tonnes of ceramics as defined in Schedule 1 of the POEO Act or 130 million standard brick equivalents in any one calendar year.**

NOTIFICATION OF COMMENCEMENT

- A7. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month before that date or as otherwise agreed with the Planning Secretary:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.
- A8. If the construction, operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage (or as otherwise agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and

- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A10. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A11. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A12. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A13. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A14. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by this consent.*

DEMOLITION

- A15. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A16. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note:

- *Under Part 6 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.*

COMPLIANCE

- A17. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

EASEMENTS

- A18. Within 12 months after the date of this consent, an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming Council as the prescribed authority, which can only be revoked, varied or modified with the consent of Council, and which provides for on-site detention system/s must be registered on title of Lot 7 DP1059690.

EXTERNAL WALLS AND CLADDING

- A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

- A20. Before the issue of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
 - (b) an Occupation Certificate,
- the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A21. The Applicant must provide a copy of the documentation given to the Certifier under condition A20 to the Planning Secretary within seven days after the Certifier accepts it.

UTILITIES AND SERVICES

- A22. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A23. Before the issue of a Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to the development to enable fibre to be readily connected; and
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to the development demonstrated through an agreement with a carrier.
- A24. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

WORKS AS EXECUTED PLANS

- A25. Before the issue of the Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage, on-site detention drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

APPLICABILITY OF GUIDELINES

- A26. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A27. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

OPERATION OF PLANT AND EQUIPMENT

- A28. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

ADVISORY NOTES

- AN1.** All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

AIR QUALITY

Emissions Control

- B1. Prior to the commencement of operation, the Applicant must install and commission a scrubber on the Plant 2 kiln in accordance with Appendix 1 that meets the recommendations with Airlabs Environmental, *Revised Air Quality Impact Assessment*, dated 19 October 2021, ref. JAN21013M.3. The stack must optimise the dispersion of air pollutants from the stack and minimise building wake effects that can potentially disrupt or impact plume dispersion.
- B1A. The scrubber stack must be built to a minimum height of 35 m above ground level. The final design of the exhaust stack of the pollution control system must allow for emission testing requirements and have consideration for the requirements outlined in Australian Standard AS4323.1 *Stationary source emissions – Selection of sampling positions (2021)*.

Dust Minimisation

- B2. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B3. During construction, the Applicant must ensure that:
- exposed surfaces and stockpiles are suppressed by regular watering;
 - all trucks entering or leaving the site with loads have their loads covered;
 - trucks associated with the development do not track dirt onto the public road network;
 - public roads used by these trucks are kept clean; and
 - land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- B4. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

Air Quality Management Plan

- B5. Prior to the commencement of operation, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by condition C5. The AQMP must:
- be prepared by a suitably qualified and experienced person(s);
 - detail and rank all emissions from all sources of the development, including particulate emissions;
 - describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
 - identify the control measures that that will be implemented for each emission source; and
 - nominate the following for each of the proposed controls:
 - key performance indicator;
 - monitoring method;
 - location, frequency and duration of monitoring;
 - record keeping;
 - complaints register;
 - response procedures; and
 - compliance monitoring.
- B6. The Applicant must:
- not commence operation until the Air Quality Management Plan required by condition B5 approved by the Planning Secretary; and
 - implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development.

Air Quality Post-Commissioning Reports

- B7. Within 90 days post commissioning of the Plant 2 kiln upgrade and scrubber installation, the Applicant must submit an air quality post-commissioning report to the satisfaction of the Planning Secretary. The report must be prepared by a NATA certified consultant and detail results of post commissioning emissions testing on the Plant 2 stack

scrubber stack to confirm that the emission concentrations are consistent with those predicted in the revised air quality impact assessment (Airlabs Environmental, *Revised Air Quality Impact Assessment*, dated 19 October 2021).

- B8. The post commissioning emission testing described in condition B7 must include sampling and analysis of the air pollutants listed in the EPL.
- B9. The post commissioning emission sampling, monitoring and testing described in condition B7 must be performed in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (2007).
- B10. The post commissioning air emissions analysis report required under condition B7 must be submitted to the EPA within six weeks of completing the monitoring. The report must contain, as a minimum:
- (a) all monitoring results;
 - (b) a detailed description of the sampling locations;
 - (c) all information listed under 'Analytical report, Stationary source monitoring' of the NSW EPA's *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*;
 - (d) details of operating conditions at the time of testing (including production rates, materials produced, material input and any activities or parameters affecting emissions); and
 - (e) a statement of compliance against the emission limits included under the EPL and all applicable standards of concentration prescribed in the Protection of the Environment (Clean Air) Regulation (2021).

NOISE

Hours of Work

- B11. The Applicant must comply with the hours detailed in Table 1.

Table 1 Hours of Work

Activity	Day	Time
Demolition, earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday - Sunday	24 hours

- B12. Works outside of the hours identified in condition B11 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

- B13. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B14. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;

- (iii) minimise road traffic noise; and
- (iv) ensure truck drivers use specified routes;
- (f) include a program to monitor the effectiveness of these measures; and
- (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

B15. The Applicant must:

- (a) not commence construction until the Construction Traffic Management Plan required by condition B14 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Parking

B16. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

B17A. Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by condition C4 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency including measures and procedures for managing the waiting bay area and queuing during peak hour periods;
- (d) detail heavy vehicle routes, access and parking arrangements;
- (e) detail fire truck and emergency vehicle operations on the site;
- (f) detail the types and frequency of vehicles servicing the site per day;
- (g) include a program to monitor the effectiveness of these measures; and
- (h) include a Driver Code of Conduct to:
 - (i) minimise the impacts on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) include a program to monitor the effectiveness of these measures.

B17B. The Applicant must:

- (a) not commence operation until the Operational Traffic Management Plan required by condition B17A is approved by the Planning Secretary; and
- (b) implement the most recent version of the plan approved by the Planning Secretary for the operational life of the development.

Operating Conditions

B17. The Applicant must ensure:

- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the Development are constructed and maintained in accordance with the latest version of AS 2890.1 and AS 2890.2;
- (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
- (c) the development does not result in any vehicles queuing on the public road network;
- (d) heavy vehicles and bins associated with the Development are not parked on local roads or footpaths in the vicinity of the site;
- (e) all vehicles are wholly contained on site before being required to stop;
- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

- B18. The Applicant must:
- ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - keep accurate records of the volume and type of fill to be used; and
 - make these records available to the Planning Secretary upon request.

Erosion and Sediment Control

- B19. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

Discharge Limits

- B20. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Drainage Plan

- B21. Prior to construction, a certificate from a suitably qualified person shall be submitted to the Certifier certifying that:
- satisfactory arrangements have been made for the disposal of stormwater;
 - the proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
 - the piped drainage system has been designed to an Average Recurrence Interval of not less than that in accordance with Council's Stormwater Management Policy 2017.

Stormwater Management System

- B22. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:
- be designed by a suitably qualified and experienced person(s);
 - be designed in consultation with Council;
 - be generally in accordance with the conceptual design in the EIS;
 - be in accordance with applicable Australian Standards; and
 - ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Registration of Restriction and Covenant

- B23. Prior to the issue of an Occupation Certificate, proof of the creation of 'Restriction on Use of Land' and 'Positive Covenant' over the on-site detention system.

Flood Management

- B24. The development must not result in an increase in overland flow of water into the WaterNSW Warragamba Pipelines corridor of either quantity, quality or velocity. The development must be designed, operated and maintained to ensure post-development flows do not exceed pre-development flows into and through the Pipelines corridor.
- B25. Stormwater directed to or across the WaterNSW Pipelines corridor is only permitted at a point of discharge from the development that has been approved by WaterNSW.
- B26. The Applicant must ensure 24-hour all-weather access to the WaterNSW Pipelines corridor is retained or provided for WaterNSW staff and contractors.
- B27. All incidents that affect or could affect the WaterNSW Pipelines corridor must be reported to WaterNSW immediately after the Applicant becomes aware of the incident.

Note: The incident notification is to be reported on WaterNSW's 24-hour Incident Notification Number 1800 061 069.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

- B28. If any item or object of Aboriginal heritage significance is identified on site:
- all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - a 10 m wide buffer area around the suspected item or object must be cordoned off; and

(c) the EES Group must be contacted immediately.

B29. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

BIODIVERSITY

B30. Prior to any clearing or construction works, the Applicant must purchase and retire 11 ecosystem credits to offset the removal/disturbance of native vegetation at the site. The ecosystem credits must be retired in accordance with the requirements of the EES Group's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.

B31. The requirement to retire ecosystem credits (see Condition B30) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits, as calculated by the EES Group's Biodiversity Offsets Payment Calculator.

B32. The Applicant must provide the Planning Secretary with evidence that:

(a) the retirement of ecosystem credits has been completed (see Condition B30); or

(b) a payment has been made to the Biodiversity Conservation Fund (see Condition B31),

prior to undertaking any clearing of native vegetation or activities that have the potential to impact upon native vegetation.

HAZARDS AND RISK

Pre-construction

B33. At least one month prior to the commencement of construction of the development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for the approval of the Planning Secretary the studies set out under subsection (a) below (the pre-construction studies). Construction, other than of preliminary works, must not commence until approval has been given by the Planning Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.

(a) A **Fire Safety Study** for the development. This study must cover the relevant aspects of the *Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the *New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems* (NSW HMPCC, 1994). The study must also be submitted to Fire and Rescue NSW for approval.

Pre-commissioning

B34. The Applicant must develop and implement the plans and systems set out under subsections (a) to (c) below. No later than two months prior to the commencement of commissioning of the development, or within such further period as the Planning Secretary may agree, the Applicant must submit for the approval of the Planning Secretary documentation describing those plans and systems. Commissioning must not commence until approval has been given by the Planning Secretary.

(a) arrangements covering the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the development. The routes must be selected in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 11, 'Route Selection'*. Suitable routes identified in the study must be used except where departures are necessary for local deliveries or emergencies.

(b) a comprehensive Emergency Plan and detailed emergency procedures for the development. The Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.

(c) a document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

Further Requirements

B35. The Applicant must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of Conditions B33 to B34, within such time as the Planning Secretary may agree.

B36. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:

(a) the requirements of all relevant Australian Standards; and

- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.

B37. In the event of an inconsistency between the requirements B36(a) and B36(b), the most stringent requirement must prevail to the extent of the inconsistency.

WASTE MANAGEMENT

Construction and Demolition Waste Management

B38. Prior to the commencement of construction, the Applicant must prepare a Construction and Demolition Waste Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must:

- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
- (b) be implemented for the duration of construction works.

B39. The Applicant must:

- (a) not commence construction until the Construction and Demolition Waste Management Plan is approved by the Planning Secretary.
- (b) implement the most recent version of the Construction and Demolition Waste Management Plan approved by the Planning Secretary.

Statutory Requirements

B40. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B41. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.

B42. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

B43. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

B44. The collection of waste generated during operation of the development must be undertaken between 7am to 10pm Monday to Friday.

CONTAMINATION

B45. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

VISUAL AMENITY

Landscaping

B46. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must form part of an OEMP in accordance with conditions C5. The plan must:

- (a) detail the species to be planted on-site;
- (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
- (c) be consistent with the Applicant's Management and Mitigation Measures in Appendix 2.

B47. The Applicant must:

- (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary.
- (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
- (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B46.

Lighting

B48. The Applicant must ensure the lighting associated with the development:

- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

OBSTACLE LIMITATION SURFACE

B49. The Applicant is to ensure that any intrusions into prescribed airspace obtain the required approvals under the Commonwealth Airports (Protection of Airspace) Regulations 1996.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development;
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including where the impact assessment criteria or performance criteria is exceeded);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B14);
 - (b) Erosion and Sediment Control Plan;
 - (c) Construction and Demolition Waste Management Plan (see Condition B38); and
 - (d) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;

- (iv) respond to any non-compliance;
- (v) respond to emergencies; and
- (c) include the following environmental management plans:
 - (i) Air Quality (see Condition B5);
 - (ii) Landscape (see Condition B46)
 - (iii) **Operational Traffic Management (see Condition B17A)**

C7. The Applicant must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of an incident report under condition C11;
- (b) the submission of an Independent Environmental Audit under condition C17;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

C9. the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out.

C10. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.:*

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C11. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

C12. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.

C13. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C14. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Annual Review

C15. Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as may be agreed by the Planning Secretary), the Applicant must submit a report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. The review must:

- (a) describe the development that was carried out in the previous year, and the development that is proposed to be carried out in the current year;
- (b) include a comprehensive review of the monitoring results and complaints records from the previous year, including a comparison of these against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) monitoring results of previous years; and
 - (iv) the relevant predictions in the EIS, Response to Submissions;

- (c) identify any non-compliances and any incidents which occurred over in the previous year, and describe what actions were (or are being) taken to rectify the non-compliance or incident and avoid recurrence;
- (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 next year to improve the environmental performance of the development.

C16. Copies of the Annual Review must be submitted to Council and any interested person upon request.

Independent Environmental Audit

C17. Within one year of the commencement of operation, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development. Audits must:

- (a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;
- (b) be carried out in consultation with the relevant agencies;
- (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any strategy, plan or program required under this consent;
- (d) review the adequacy of any approved strategy, plan or program required under this consent; and
- (e) recommend measures or actions to improve the environmental performance of the development, and any strategy, plan or program required under this consent.

C18. Within three months of commissioning an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Note: *The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.*

Monitoring and Environmental Audits

C19. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

ACCESS TO INFORMATION

C20. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent and the final layout plans for the development;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) the Compliance Reporting of the development;
 - (x) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;

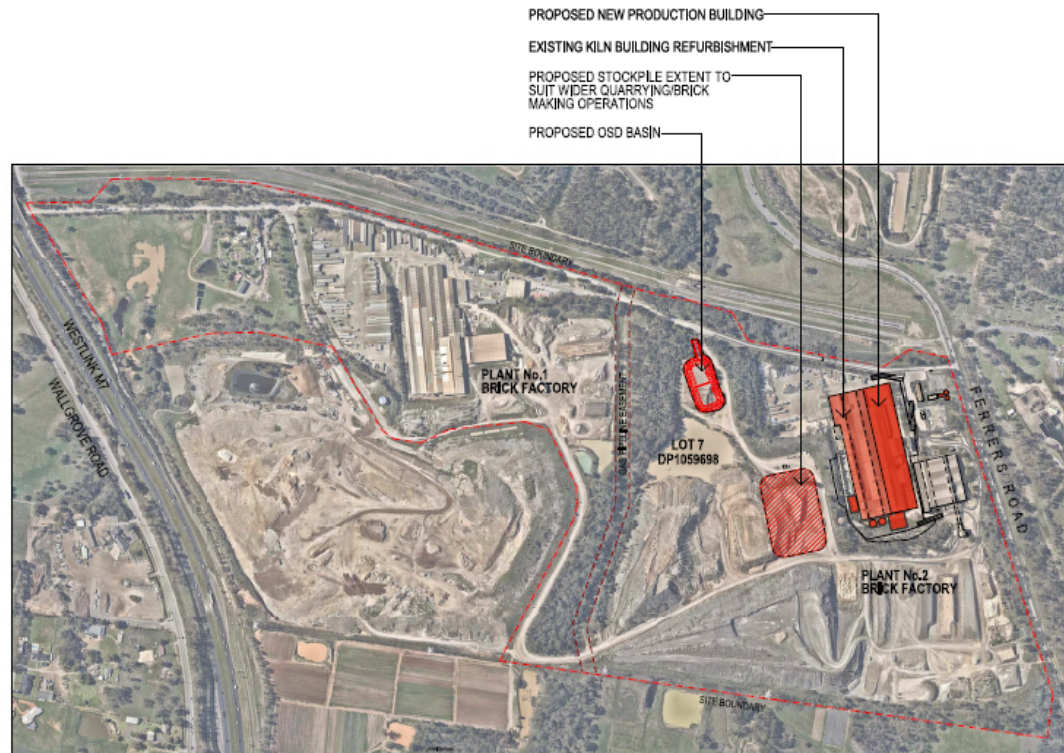
- (xi) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

AUSTRAL BRICKS - ALTERATIONS AND ADDITIONS OF PLANT NO.2

174-181 FERRERS ROAD, HORSLEY PARK NW 2157

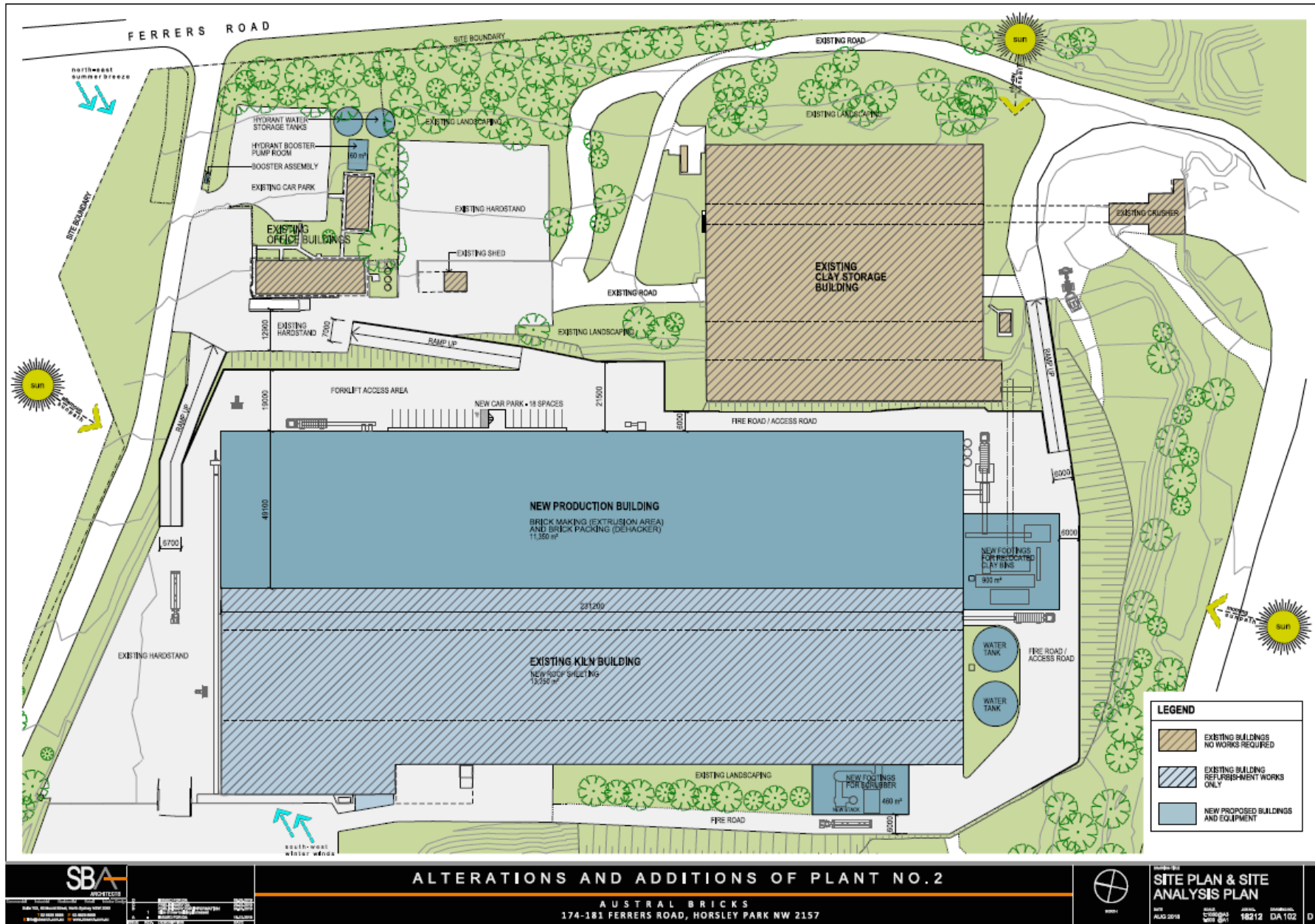
DRAWING REGISTER		
TITLE	SCALE	DRAWING No
COVER SHEET & LOCATION PLAN	NTS	DA 101
SITE PLAN & SITE ANALYSIS PLAN	1:500 @ A1	DA 102
OVERALL ROOF PLAN	1:500 @ A1	DA 103
DEMOLITION PLAN	1:500 @ A1	DA 104
OVERALL FLOOR PLAN	1:400 @ A1	DA 105
OFFICE FLOOR PLAN	1:125 @ A1	DA 110
ELEVATIONS	1:400 @ A1	DA 201
SECTIONS	1:250 @ A1	DA 202

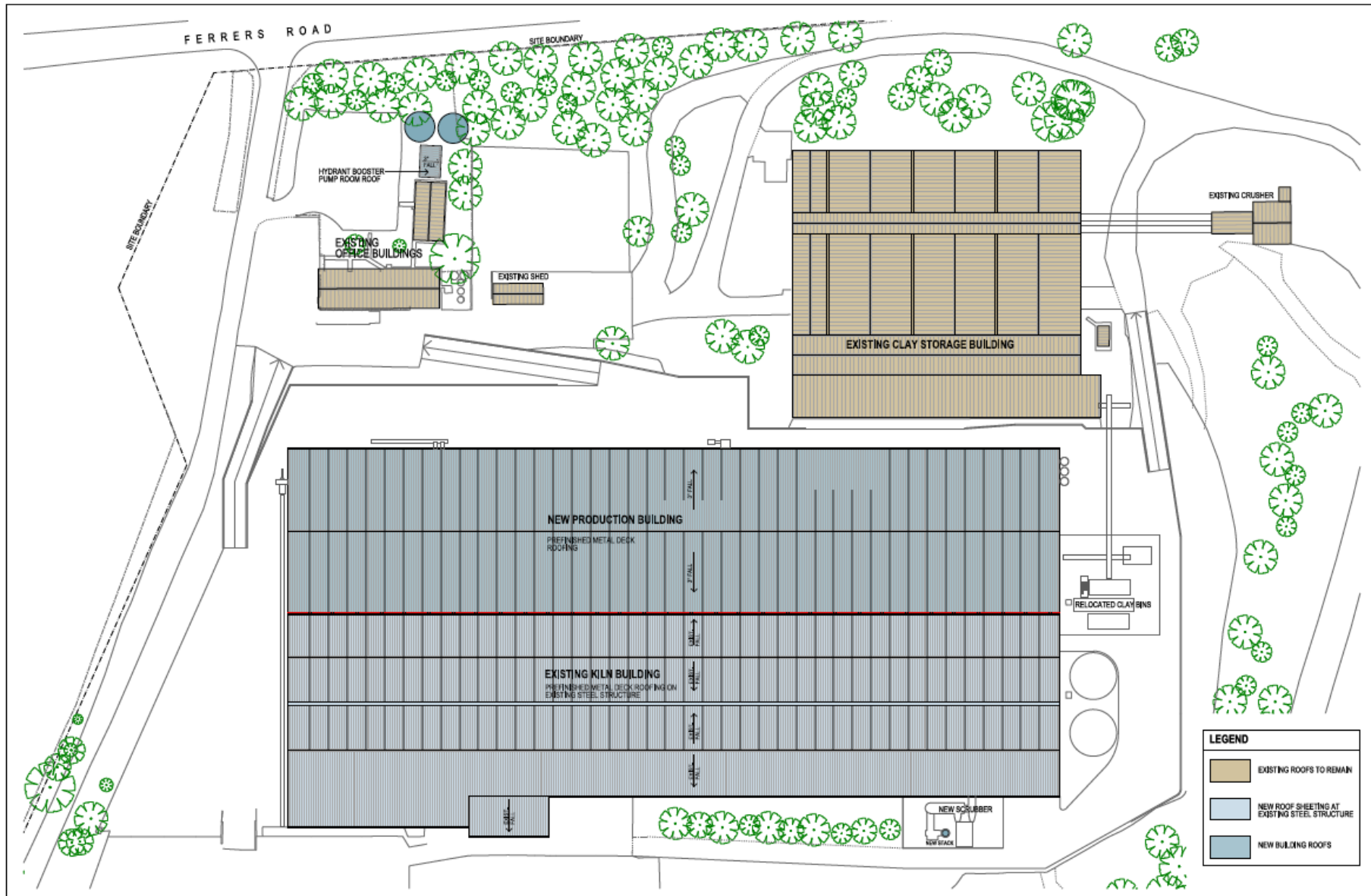
SCHEDULE OF AREAS	GFA
EXISTING KILN BUILDING TO REMAIN	13,250 m ²
NEW PRODUCTION BUILDING	11,350 m ²
NEW MEZZANINE OFFICE	320 m ²
NEW FOOTING FOR RELOCATED CLAY BINS	900 m ²
NEW FOOTING FOR SCRUBBER	450 m ²
NEW HYDRANT PUMP ROOM	60 m ²
TOTAL PROPOSED GFA	26,340 m ²
EXISTING BUILDINGS TO BE DEMOLISHED	7,270 m ²
SITE AREA	82 ha



LOCATION PLAN

 SBA ARCHITECTS	ALTERATIONS AND ADDITIONS OF PLANT NO.2 AUSTRAL BRICKS 174-181 FERRERS ROAD, HORSLEY PARK NW 2157	 COVER SHEET & LOCATION PLAN	DATE: AUG 2018 SCALE: N.T.S. SHEET: 18212 DA 101 D
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ARCHITECTS

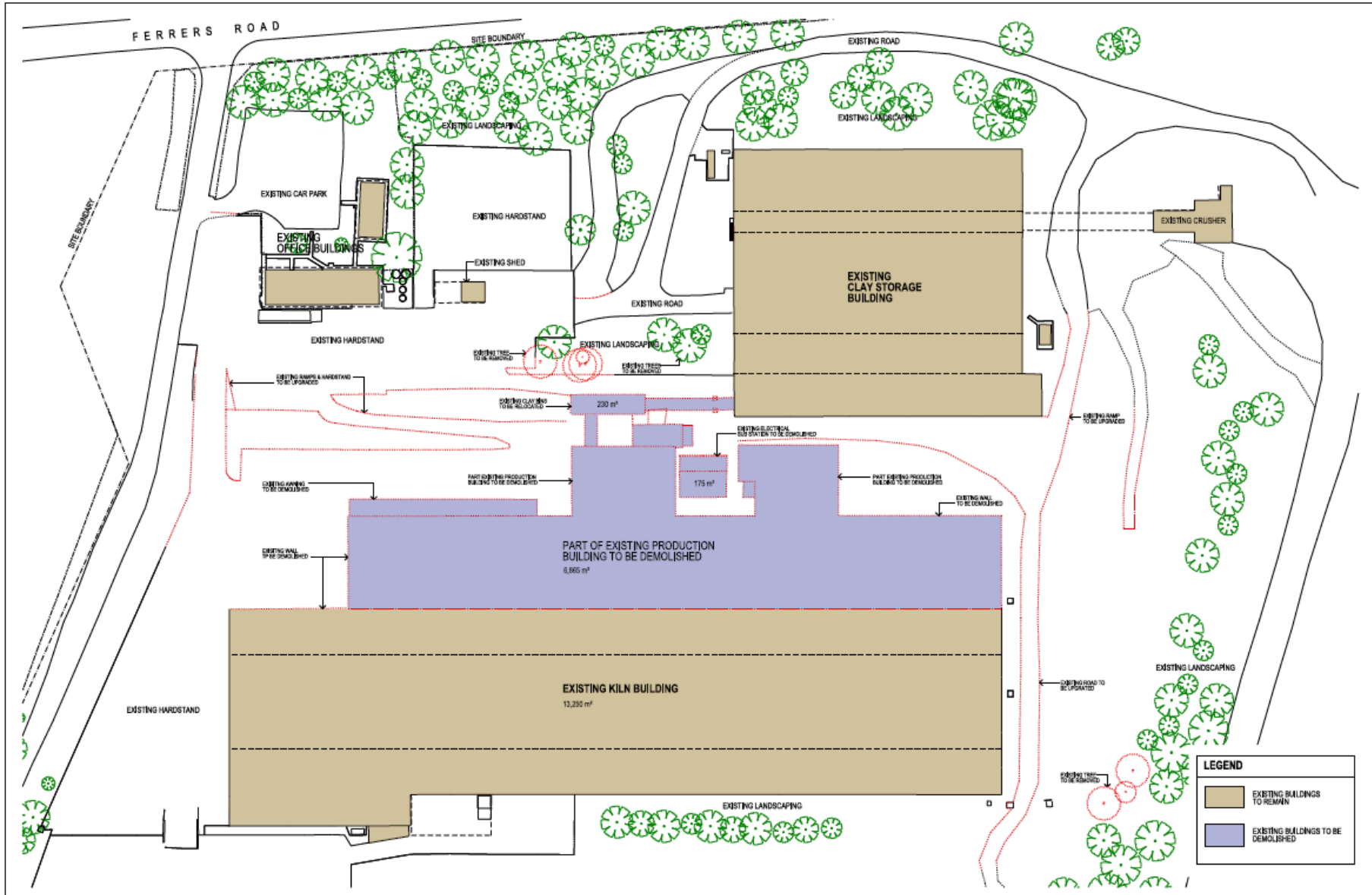
100/100 FERRERS ROAD, HORSLEY PARK NSW 2157
 02 9638 8888 | 02 9638 8889
 sba@sbarchitects.com.au | www.sbarchitects.com.au

ALTERATIONS AND ADDITIONS OF PLANT NO. 2

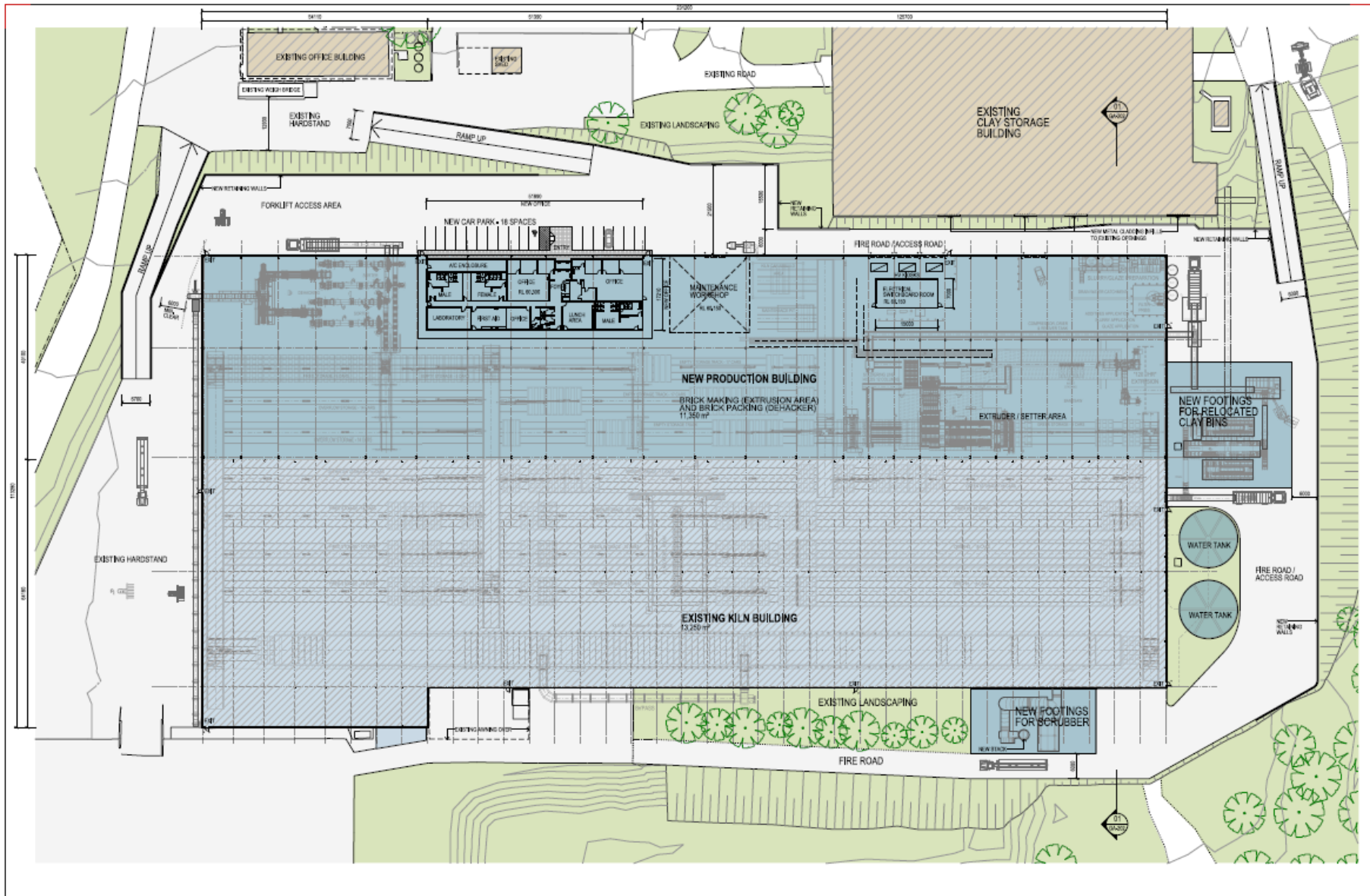
AUSTRAL BRICKS
 174-181 FERRERS ROAD, HORSLEY PARK NW 2157

Overall Roof Plan

DATE: AUG 2018
 SCALE: CONSULT
 JOURNAL: 18212
 DRAWING: DA 103



	ALTERATIONS AND ADDITIONS OF PLANT NO. 2			DEMOLITION PLAN
	AUSTRAL BRICKS 174-181 FERRERS ROAD, HORSLEY PARK NW 2157			



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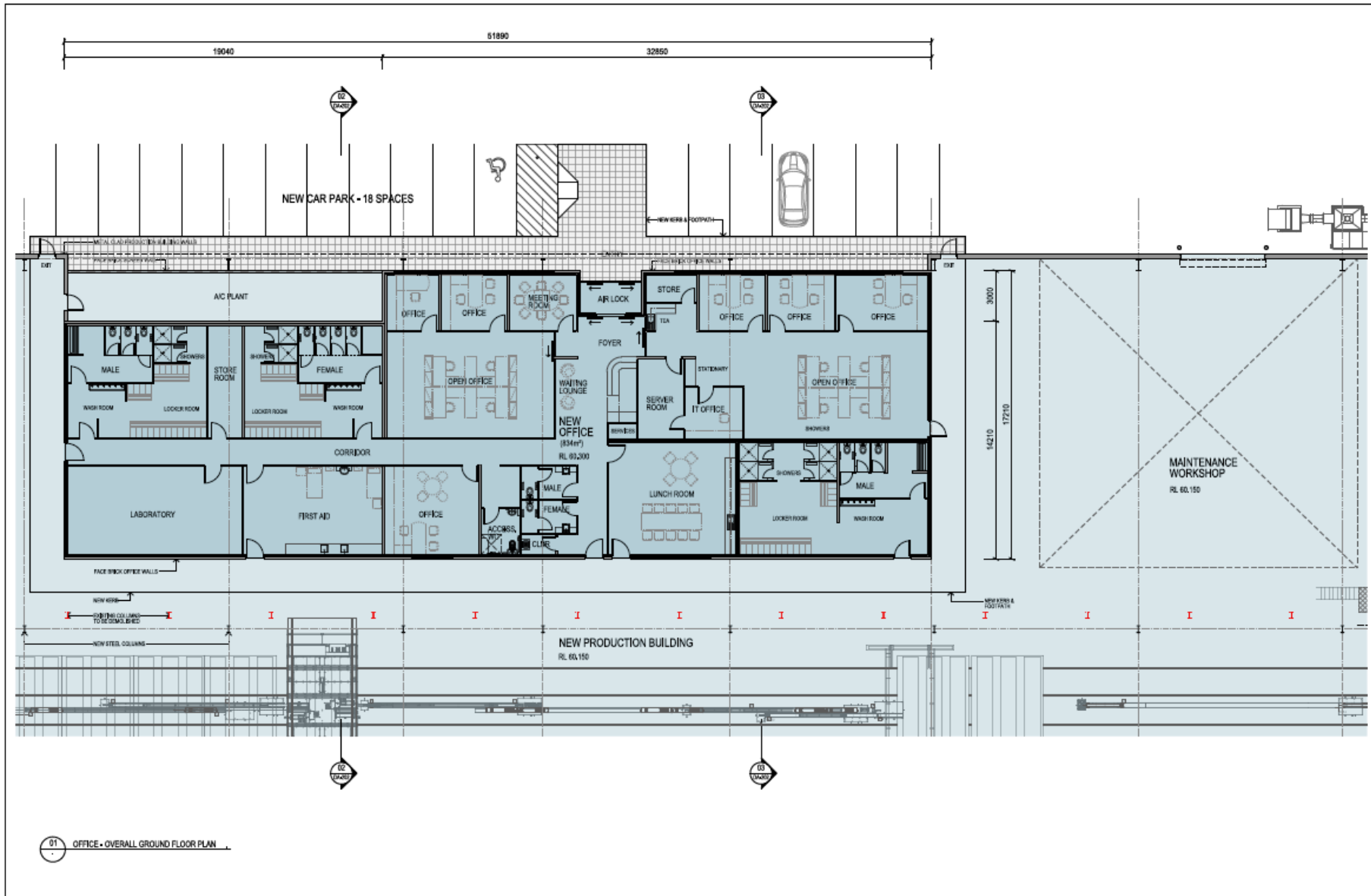
174-181 FERRERS ROAD, HORSLEY PARK NSW 2157
 02 9638 1000
 www.sba.com.au

ALTERATIONS AND ADDITIONS OF PLANT NO. 2

AUSTRAL BRICKS
 174-181 FERRERS ROAD, HORSLEY PARK NW 2157

OVERALL GROUND FLOOR PLAN

DATE: AUG 2018
 SCALE: 1:500
 SHEET: 18212
 DRAWING: DA 105



01 OFFICE - OVERALL GROUND FLOOR PLAN

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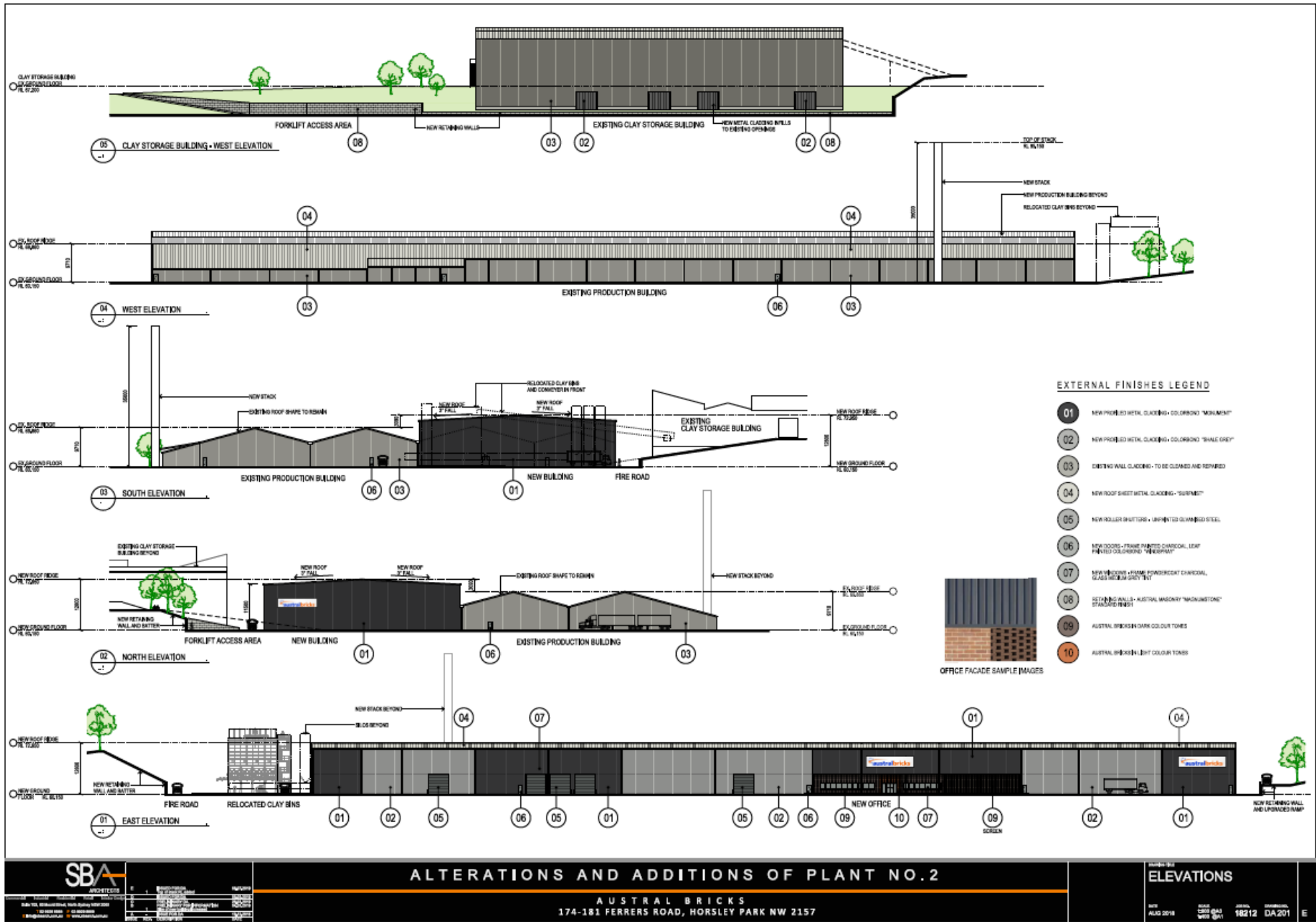
100 BROADWAY
SYDNEY NSW 2009
PH: (02) 9231 1111
WWW.SBAARCHITECTS.COM.AU

ALTERATIONS AND ADDITIONS OF PLANT NO. 2

AUSTRAL BRICKS
174-181 FERRERS ROAD, HORSLEY PARK NSW 2157

OFFICE FLOOR PLAN

DATE: AUG 2018
SCALE: CORRIGAS
JOB NO: 18212
DRAWING NO: DA 110



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ARCHITECTS

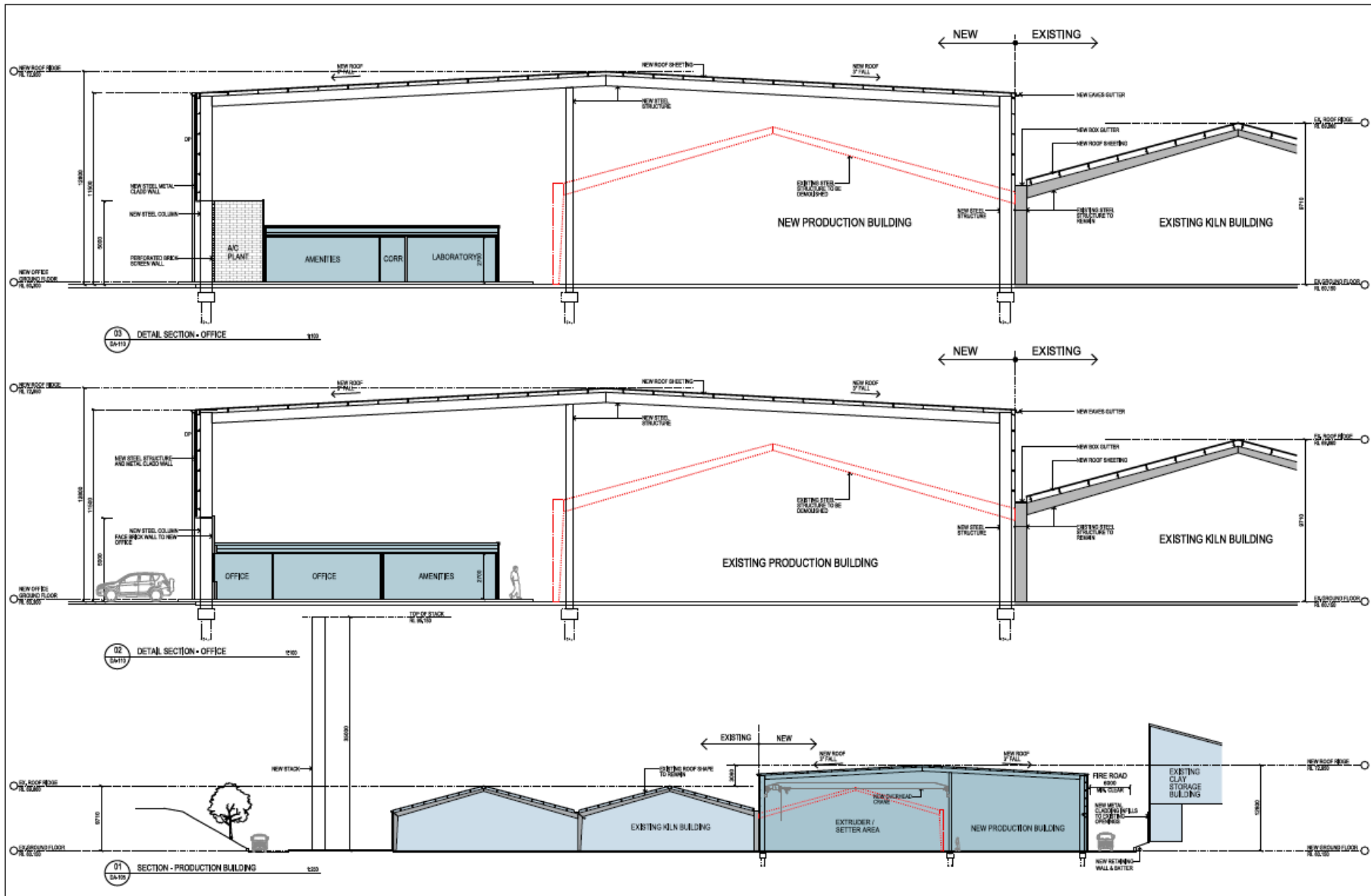
100 HORSLEY PARK ROAD
HORSLEY PARK NSW 2157
PH: (02) 9611 1111
WWW.SBAARCHITECTS.COM.AU

ALTERATIONS AND ADDITIONS OF PLANT NO. 2

AUSTRAL BRICKS
174-181 FERRERS ROAD, HORSLEY PARK NW 2157

ELEVATIONS

DATE: AUG 2018
SCALE: 1:50
JOB NO: 18212
DRAWING NO: DA 201



	ALTERATIONS AND ADDITIONS OF PLANT NO. 2					SECTIONS	
	AUSTRAL BRICKS 174-181 FERRERS ROAD, HORSLEY PARK NW 2157					DATE: AUG 2018 SCALE: 1:50 SHEET: 18212 DRAWING: DA 202	E
	<small> PROJECT NO: 18212 CLIENT: AUSTRAL BRICKS ARCHITECT: SBA ARCHITECTS ENGINEER: [blank] CONTRACTOR: [blank] </small>						

PART I SUMMARY OF MITIGATION MEASURES

By:	The Austral Brick Co Pty Ltd
In relation to:	<p>Upgrades to existing Plant 2 owned by The Austral Brick Co Pty Ltd at 780 Wallgrove Road, Horsely Park, including:</p> <ul style="list-style-type: none"> ▪ New production building of around 13,250m² to provide extended kiln car storage area and relocated extruder and dehackler; ▪ Existing production building to be re-roofed; ▪ Demolish two existing kilns and replacement with one new kiln (of same overall capacity), to be provided to the existing production building; ▪ New footings for relocated clay bins and for the scrubber; ▪ Construction of new fire access road; ▪ Provision of onsite detention basin; ▪ Supporting ancillary works; and ▪ Minor demolition works to facilitate the same. <p>to improve the environmental, health and safety and sustainability performance of the existing brickworks operation.</p>
Site:	780 Wallgrove Road, Horsley Park (Lot 7 DP1059698)

SPECIFIC ENVIRONMENTAL COMMITMENTS

The following mitigation measures would be implemented to ensure there are no significant environmental impacts resulting from the proposed development.

Air Quality

1. The proposed development would incorporate the following works which would improve the air quality emissions generated by the site:
 - a) New Kiln: The two existing kilns for Plant 2 would be replaced by a new kiln, which would improve fuel consumption and the emissions profile;
 - b) Scrubber to minimise acid gas emissions: The upgraded Plant 2 kiln would comprise a scrubber to reduce acid gas emissions, mainly HF emissions. A fluorine cascade absorber would form a part of the upgraded Plant 2 kiln, which is intended to reduce high fluorine concentrations; and
 - c) Increase in stack height: The proposed development also includes increasing the stack height of the existing Plant 2 kiln from 16m to 35m. Increasing the stack height would facilitate better dispersion of pollutants and minimise building wake effects that can potentially disrupt/impact the plume dispersion.

2. The following mitigation measures would be undertaken during the construction phase of the proposed development so as to minimise the generation of TSP, PM₁₀ and PM_{2.5} at the site:
 - a) General mitigation measures to be undertaken throughout the construction phase:
 - (i) Identify dust-generating activities and inform site personnel about location; and
 - (ii) Identify adverse weather conditions (dry and high wind blowing from dust source to sensitive receptors) and halt dust emitting activities if visible dust impacts are identified at sensitive receptors;
 - b) Mitigation measures relating to the handling of spoil and structural fill material to be undertaken throughout the construction phase:
 - (i) Minimise drop height for material handling equipment;

- c) Mitigation measures to manage wind generated dust from temporary stockpiles and exposed areas, which are to be undertaken throughout the construction phase:
 - (i) Progressive staging of dust generating activities throughout the day to avoid concurrent dust emissions;
 - (ii) Minimise exposed area if possible;
 - (iii) Minimise amount of temporary material stockpiled if possible; and
 - (iv) Apply watering through water trucks or sprinklers (note that this mitigation measure would be employed on an as-needed basis);
 - d) Mitigation measures to manage wheel generated dust during hauling, which are to be undertaken throughout the construction phase:
 - (i) Cleaning of haul roads;
 - (ii) Speed restrictions; and
 - (iii) Restrict vehicle movement to haul routes that are watered regularly (note that this mitigation measure would be employed on an as-needed basis).
3. The site would continue to operate according to the air quality parameters set out in EPL 546.
4. The following management measures would be employed to mitigate Greenhouse Gas Emissions from the site:
- a) Ensuring proper maintenance and management of stationary and mobile equipment to improve fuel efficiency, which will result in lower fuel consumption; and
 - b) Periodic review and implementation of energy efficient measures to minimise electricity consumption.

Biodiversity

- (b) The following mitigation measures are recommended to protect biodiversity adjacent to impact areas during construction:
 - a) Vegetation protection:
 - (i) To avoid unnecessary removal or damage to the adjacent vegetation, the clearing area would be clearly demarcated and signed, where appropriate, to ensure no vegetation beyond these boundaries is removed;
 - (ii) Clearing works and equipment would be excluded from areas outside the clearing area;
 - (iii) Site inductions would be given by the civil contractor to ensure all site workers and visitors are aware of any no-access areas;
 - (iv) In any area in which construction machinery is to be used with the potential to damage surrounding vegetation to be retained, temporary construction fencing would be installed to protect vegetation to be retained. Temporary fencing would be of a metal construction fence at least 2m high so it physically protects vegetation as well as visually delineates vegetation to be retained. This fencing would remain in place until all works have been finished in adjoining areas; and
 - (v) No vehicles or machinery would be permitted to enter areas of vegetation to be retained;
 - b) Erosion, sedimentation and pollution control:
 - (i) The amount of exposed soils at the site at any given time would be minimised;
 - (ii) All stockpiled soils would be adequately covered when not in use to prevent erosion from heavy rainfall;
 - (iii) Sediment fences would be established around the perimeter of the site to prevent the impacts of sedimentation on the adjoining vegetation;

- (iv) During development, precautions would be taken to ensure that no pollution, such as petrochemical substances or water containing suspended solids, escapes the construction site;
- (v) Pollution traps would be installed where required; and
- (vi) Efficient removal of pollution to an offsite location would be undertaken to help minimise pollution impacts.

Noise

- (c) The following construction phase management measures would be undertaken to mitigate the potential construction phase noise impacts of the proposed development:
 - a) Construction works are only to take place during standard hours as follows:
 - (i) Monday to Friday: 7am to 6pm;
 - (ii) Saturday: 8am to 1pm; and
 - (iii) Sunday and Public Holidays: No works permitted.

Bushfire

- (d) The following management measures would be implemented to mitigate potential bushfire risks for the site:
 - a) At the commencement of building works and in perpetuity, an Asset Protection Zone would be established and maintained as per Figure 18 in the *Environmental Impact Statement* prepared by Willowtree Planning Pty Ltd in July 2019 so that 8m is provided to the south, 12m to the west and 9m to the south-east around the existing clay storage building. The Asset Protection Zone would be established and maintained as an inner protection area as outlined within *Planning for Bush Fire Protection 2018* (RFS, 2018);
 - b) Fire hydrants would be provided in accordance with Building Code of Australia E1.3 and AS2419.1:2005, including the ring main requirements for large isolated buildings; and
 - c) A static water supply that includes a connection for firefighting purposes that provides a 65mm Storz outlet with a ball valve is fitted to the outlet.

Erosion and Sediment Mitigation Measures

- (e) Appropriate erosion and sediment control measures would be installed and maintained for the duration of the proposed construction works to ensure that sediment-laden runoff does not pollute the downstream environment, particularly the Eastern Creek riparian zone.
- (f) All erosion and sediment control plans would be prepared in accordance with the *NSW Government's Managing Urban Stormwater – Soils and Construction Blue Book Volume 1, 4th Edition, March 2007*. A preliminary erosion and sediment control plan for the site is included as Appendix A to Appendix 4 of the *Environmental Impact Statement* prepared by Willowtree Planning Pty Ltd in July 2019. Further details of the erosion and sediment control systems and procedures would be provided at the detailed design stage when more information is available regarding in-situ soils and development staging.
- (g) The following management measures would be implemented to mitigate potential erosion and sediment impacts from occurring as a result of the proposed development:
 - a) Pre-construction erosion and sediment controls, implemented prior to construction, to minimise disturbances and ensure water quality performance criteria are met:
 - (i) Designation and marking of transport routes across undisturbed portions of the site to ensure minimal vegetation disturbance.

- Transport routes would be provided with stabilised construction entry/exits (e.g. Blue Book SD6-14) at the designated access points;
- (ii) Installation of the proposed sediment basin would occur before bulk earthworks across the site begin so that sediment-laden runoff from the works can be captured and treated;
 - (iii) Diversions would be constructed to divert clean stormwater away from exposed soils and development areas. The exact location and time of construction for each diversion measure would depend on construction staging;
 - (iv) Existing vegetated buffer zones/bunds are to be fenced off;
 - (v) Filter rolls or geotextile inlet filters (e.g. Blue Book SD6-11&6-12) to be installed around all existing stormwater inlet gullies; and
 - (vi) All site personnel to complete an environmental induction covering the erosion and sediment controls;
- b) Measures to mitigate potential water quality impacts during the construction of the proposed development:
- (i) Sediment fences (e.g. Blue Book SD6-8) to be erected at the base of all batters to prevent sediment-laden stormwater from flowing into the Eastern Creek riparian zone;
 - (ii) Regular dust suppression on exposed areas by water truck or the use of chemical dust suppressant;
 - (iii) Progressive stabilisation of filled and disturbed areas;
 - (iv) Sediment fences to be erected around soil stockpiles;
 - (v) Regular inspections as soon as practicable after storm events to check and maintain controls;
 - (vi) Sediment to be removed from fences when controls are 40% full and at the completion of construction. All material to be reused or stored onsite in a controlled manner or taken offsite for reuse or disposal at a licensed waste disposal facility;
 - (vii) Filter rolls or geotextile inlet filters (e.g. Blue Book SD6-11&6-12) to be installed around all new stormwater inlet gullies; and
 - (viii) Monitoring of water quality to determine the effectiveness of the sediment and erosion control management practices;
 - (ix) Erosion and sediment control measures would remain in place for the duration of construction works and following completion until the site is fully stabilised;
- c) Site inspection and maintenance measures to be undertaken so long as earthworks are being conducted or site subsoils are exposed, after every rainfall event and at least weekly:
- (ii) Inspect and assess the effectiveness of the Soil and Water Management Plan and identify any inadequacies that may arise during normal work activities or from a revised construction methodology. Construct additional erosion and sediment control works as necessary to ensure the desired protection is given to downstream lands and waterways;
 - (iii) Ensure that drains operate properly and to affect any repairs;
 - (iv) Remove spilled sand or other materials from hazard areas, including lands closer than 5 metres from areas of likely concentrated or high velocity flows especially waterways and paved areas;
 - (v) Remove trapped sediment whenever less than design capacity remains within the structure;
 - (vi) Ensure rehabilitated lands have affectively reduced the erosion hazard and to initiate upgrading or repair as appropriate;
 - (vii) Maintain erosion and sediment control measures in a fully functioning condition until all construction activity is completed and the site has been rehabilitated; and

- (viii) Remove temporary soil conservation structures as the last activity in the rehabilitation.

Surface Water

- (h) The necessary detention capacity would be provided by the construction of a single detention tank in the southwestern corner of the proposed development (i.e. within Catchment A), just before flows are discharged towards the existing dam.
- (i) The proposed development would be required to meet the same water quality discharge standards under EPL 546.

Contamination

- (j) The power transformers associated with the existing substation are considered to be a possible source of potential polychlorinated biphenyl contamination. Therefore, special consideration and caution would be given to any proposed demolition and excavation works at the substation.
- (k) Subsurface conditions and any soils to be excavated within the footprint of the substation would be appropriately assessed for the presence of potential contaminants prior to disturbance.

Access and Transport

- (l) The following mitigation measures are proposed to manage the potential for traffic impacts on the local road network during the construction phase of the proposed development:
 - a) Traffic control between the Access Road and Plant 2 Site;
 - b) Scheduling of deliveries outside of the commuter peak;
 - c) Appropriate approvals for any over-sized vehicle deliveries; and
 - d) The use of Old Wallgrove Road as the designated construction vehicle route.

Waste Management

- (m) The following management measures would be employed to mitigate potential waste impacts at the site:
 - a) Waste management measures to be employed during construction works include:
 - (i) Applying practical building designs and construction techniques;
 - (ii) Appropriate sorting and segregation of demolition and construction wastes to ensure efficient recycling of wastes;
 - (iii) Selecting construction materials taking into consideration their long lifespan and potential for reuse;
 - (iv) Ordering materials to size and ordering pre-cut and prefabricated materials;
 - (v) Reuse of formwork (where possible);
 - (vi) Planned work staging;
 - (vii) Reducing packaging waste onsite by returning packaging to suppliers where possible, purchasing in bulk, requesting cardboard or metal drums rather than plastics, requesting metal straps rather than shrink wrap and using returnable packaging such as pallets and reels;
 - (viii) Careful onsite storage and source separation;
 - (ix) Subcontractors informed of site waste management procedures; and
 - (x) Coordination and sequencing of various trades;
 - b) The anticipated beneficial reuses of construction wastes include:

- (i) Concrete, tiles and bricks would be reused onsite or reused/recycled offsite;
 - (ii) Waste oil would be recycled onsite or disposed offsite of in an appropriate manner;
 - (iii) All solid waste timber, brick, concrete, tiles and rock that cannot be reused or recycled would be taken to an appropriate facility for treatment to recover further resources or for disposal to landfill in an approved manner;
 - (iv) All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Workcover Authority and EPA requirements;
 - (v) Portable, self-contained toilet and washroom facilities would be provided at the site and would be regularly emptied and serviced by a suitably qualified contractor;
 - (vi) Provision for the collection of batteries, fluorescent tubes and other recyclable resources would be provided onsite to enable offsite recycling;
 - (vii) Drink container recycling would be provided onsite or these items sorted offsite for recycling at an appropriately licensed facility;
 - (viii) All garbage would be disposed of via a council approved system; and
 - (ix) Opportunities for materials exportation and reuse with other local construction operations would be investigated;
- c) Waste management measures to be employed during operational works include:
- (i) Provision of take back services to clients to reduce waste further along the supply chain;
 - (ii) Re-work/re-packaging of products prior to local distribution to reduce waste arising;
 - (iii) Review of packaging design to reduce waste whilst maintaining 'fit for purpose;'
 - (iv) Investigating leased office equipment and machinery rather than purchase and disposal;
 - (v) Establish systems with in-house and supply chain stakeholders to transport products in reuseable packaging where possible;
 - (vi) Development of 'buy recycled' purchasing policy;
 - (vii) Flatten or bale cardboard to reduce number of bin lifts required; and
 - (viii) Providing recycling collections within each of the offices and tearooms (e.g. plastics, cans and glass);
- d) The anticipated beneficial reuses of operational wastes include:
- (i) Cardboard, paper, plastic, glass, cans and pallets and containers would be reused/recycled offsite;
 - (ii) Provision for the collection of batteries, fluorescent tubes and other recyclable resources would be provided onsite to enable offsite recycling;
 - (iii) All waste materials that cannot be reused or recycled would be taken to an appropriate facility for treatment to recover further resources or for disposal to landfill in an approved manner;
 - (iv) Waste oil (if any) used in equipment maintenance would be recycled or disposed of in an appropriate manner; and
 - (v) Opportunities for materials exportation and reuse with other local industrial operations would be investigated. This would have two benefits: minimising energy through reduction of material reprocessing, encouraging material reuse;
- e) General waste management measures to be employed for waste classification and removal from the site include:
- (i) All liquid and non-liquid wastes generated during development construction works (if any) would be classified in accordance with the requirements of *Waste Classification Guidelines, Part 1: Classifying*

Waste (EPA, 2014). Samples would be collected by appropriately trained and experienced personnel from stockpiled or in-situ waste materials by the use of a hand trowel. The hand trowel would be thoroughly decontaminated using phosphate free detergent and distilled water between each sampling location;

- (ii) During the collection of soil samples, features such as seepage, discolouration, staining, odours and other indications of contamination would be noted on the field documentation;
 - (iii) Collected soil samples would be immediately transferred to sample containers of appropriate composition (glass jars). Sample labels would record job number; sample identification number; and date and time of sampling;
 - (iv) Sample containers would be transferred to a chilled ice box for sample preservation prior to and during shipment to the testing laboratory. A chain-of-custody form would be completed and forwarded with the samples to the testing laboratory;
 - (v) Soil samples would be analysed by both a primary and secondary (independent check) laboratory, both of which would be NATA accredited for the required analyses;
 - (vi) In addition, the laboratories would also be required to meet the environmental consultant's own internal quality assurance requirements;
 - (vii) The analytical data would be compared against the waste criteria contained in the *Waste Classification Guidelines, Part 1: Classifying Waste* (EPA, 2014) for heavy metals, TRHs, BTEX, PAHs, total pesticides (OCPs and OPPs), PCBs and TCLP in benzo(a)pyrene, lead and nickel. A summary of the relevant criteria is provided in Appendix 14 of the *Environmental Impact Statement* prepared by Willowtree Planning Pty Ltd;
 - (viii) All wastes removed from the site would be transported in accordance with relevant road and transportation regulatory requirements. Where required (depending on the classification of the wastes), appropriately licensed transport contractors would be used. The appointed transporters would be responsible for ensuring they are appropriately licensed to:
 - (i) Carry the particular type of waste; and
 - (ii) Transport the materials to an appropriately licensed facility;
 - (ix) Where the waste is classified as Restricted Waste or Hazardous Waste, the transporter would be required to carry (subject to a number of exceptions) appropriately completed waste data forms with each load, and provide a copy to the waste facility to which the waste is taken.
- (n) Appropriate spill kits would also be maintained at the site to appropriately respond to any product spills that may occur during site works. These spill kits would contain appropriate components such as sawdust, coconut fibres, dustpan and brush, and drain covers, as well as a copy of any relevant Safety Data Sheets and a copy of the site's Incident Response Management Plan as is required under Part 5.7A of the POEO Act.

Fire Engineering

- (o) An alternative Fire Strategy would be prepared for the site as per the *Fire Engineering Strategy*.
- (p) Additional fire management measures to be provided at the site include:
 - An egress performance solution would address extended travel to exits through:

- (i) Building height acts as a smoke reservoir;
 - (ii) Low fuel load and fire size resulting in low smoke production;
 - (iii) Low occupant populations; and
 - (iv) Occupant warning initiated by thermal fire detection suitable for industrial applications;
- In lieu of a smoke exhaust system, a manually operated system of smoke clearance fans would be provided to assist the brigade in post fire building ventilation;
 - An amplified building occupant warning system would be provided, activated by a thermal fire detection system; and
 - Fire hydrants would also be provided as per the relevant standard.

Visual

- (q) Landscaping would be used at the site to minimise any significant vegetation clearing which could impact on views into the site. Where such landscaping works are undertaken, species would be selected from the Cumberland Plain Woodland Endangered Ecological Community vegetation grouping.

Aboriginal Heritage

- (r) In the unlikely event that potential Aboriginal heritage items are discovered during earthworks to facilitate the proposed development, works in the vicinity would cease and the OEH would be contacted.

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C11 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.