Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

Under the Minister's delegation of 14 September 2011, and as members of the Planning Assessment Commission of New South Wales (the Commission), we approve the project application referred to in schedule 1, subject to the conditions in schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/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 Project.

Gabrielle Kibble AO
Member of the Commission

John Court
Member of the Commission

Sydney 19 January 2012

SCHEDULE 1

Application No:	09_0006
Proponent:	National Ceramics Industries Australia
Approval Authority:	Minister for Planning
Land:	175 Racecourse Road, Rutherford Lot 101 DP 1062820 Maitland local government area
Project:	National Ceramic Industries Australia Tile Manufacturing Facility Expansion Project

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DEFINITIONS

AEMR	Annual Environmental Management Report
ARI	Average recurrence interval
Approval	The Minister's approval of the project (Project Application No 09_0006)
BCA	Building Code of Australia
Construction	Includes any activity requiring a Construction Certificate, significant excavation work, road works, demolition, or any construction related activity as described in Major Projects Application 09_0006
Council	Maitland City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors in title
Director-General	Director-General of the Department of Planning and Infrastructure, or delegate
EA	Environmental assessment titled *National Ceramics Industries Australia Expansion - Environmental Assessment*, dated 5 July 2010 and prepared by AECOM
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPL	Environment Protection Licence
Evening	The period from 6pm to 10pm
Facility	Ceramic Tile Manufacturing Facility to which this approval applies
Feasible	Feasible relates to engineering considerations and what is practical to build
HWC	Hunter Water Corporation
Incident	An incident causing or threatening material harm to the environment or human health, and/or an exceedance of the limits or performance criteria in this approval
Minister	Minister for Planning and Infrastructure, or delegate
Mitigation	Activities associated with reducing the impacts of the project
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
Operation	The production of tile products
POEO Act	*Protection of the Environment Operations Act, 1997*
POEO Regulation	*Protection of the Environment Operations (Waste) Regulation, 1995*
Project	The development described in schedule 1 and the EA, which includes the continued implementation of all existing and approved development on site
Proponent	National Ceramic Industries Australia Pty Ltd, or its successor
Principal Certifying Authority	The Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Reasonable	Reasonable relates to the application of judgment 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
RTA	NSW Roads and Traffic Authority
Site	The land referred to in schedule 1
Statement of Commitments	The Proponent's commitments in Appendix 1
Stage	Installation of an additional production line and kiln, and an increase in productivity of up to 3.2 million m^2 of tiles, as detailed in the EA
Submissions Report	The Proponent's response to issues raised in submissions titled *Expansion of National Ceramic Industries Australia Facility, Rutherford NSW, Environmental, Assessment, Submissions Report,* prepared by AECOM, dated 2 November 2010
Utility	Any infrastructure or service associated with water supply, sewerage, electricity supply, telecommunications or gas supply

SCHEDULE 2: GENERAL ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, maintenance, decommissioning and/or rehabilitation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
   a) EA;
   b) Statement of Commitments;
   c) Submissions Report; and
   d) conditions of this approval.

   Note: The Proponent's Statement of Commitments are included as Appendix 1. The Project Site Plan, Floor Plan and Elevations are included as Appendix 2, 3 and 4 respectively.

   If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.

3. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
   a) any reports, plans, strategies or correspondence that are submitted in accordance with this approval; and
   b) the implementation of any actions or measures contained in these reports, plans, strategies or correspondence submitted by the Proponent.

Limits on Approval

4. The Proponent shall not produce more than 25.6 million m^2 of ceramic tiles per annum on site.

   Note: The capacity of the ceramic tile manufacturing facility at the completion of each stage of construction shall be consistent with that described in the EA.

5. The Proponent shall ensure that an increase or progression to a Stage represents an increase in production by no more than an additional 3.2 million m^2 of tiles.

Surrender of Existing Development Consent Rights

6. Within 12 months of this approval, or as otherwise agreed by the Director-General, the Proponent shall surrender all existing development consents and project approvals for the site, apart from this project approval, in accordance with Sections 75YA and 104A of the EP&A Act.

   Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrender of a consent or approval should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

Structural Adequacy

7. The Proponent shall ensure that all 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 Proponent 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 Project.*

Statutory Requirements

8. The Proponent shall ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

Protection of Public Infrastructure

9. The Proponent shall:
   a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
   b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Utilities

10. Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from service providers, including Hunter Water Corporation, Integral Energy and Council.

Operation of Plant and Equipment

11. The Proponent shall ensure that all plant and equipment used on site is:
   a) maintained in a proper and efficient condition; and
   b) operated in a proper and efficient manner.

Staged Submission of Plans, Strategies and Programs

12. With the written approval of the Director-General, the Proponent may submit any management plan, strategy or monitoring program required by this approval on a progressive basis.

Dispute Resolution

13. In the event that a dispute arises between the Proponent and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this approval, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the Act.

Section 94 Contributions

14. During operations, the Proponent shall pay Council an annual contribution of 4.1 cents per kilometre per tonne of product trucked from the site along Racecourse Road to its intersection with the New England Highway (1.7 km). The contribution amount shall be adjusted annually from the date of this approval to account for the effects of inflation (Consumer Price Index).

SCHEDULE 3: SPECIFIC ENVIRONMENTAL CONDITIONS

AIR QUALITY

Dust Limits

15. The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 1 or 2 at any residence on privately-owned land.

Table 1: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m^3
Particulate matter < 10 µm (PM_{10})	Annual	30 µg/m^3

Table 2: Short term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM_{10})	24 hour	50 µg/m^3

Load Limits

16. Unless the OEH specifies otherwise, the Proponent shall ensure that the annual total load discharged from the site does not exceed the load limit specified for that pollutant in Table 3.

Table 3: Maximum Allowable Load Limits (Air)

Assessable Pollutant	Maximum Allowable Load Limit (kg/yr)
Fine Particulates	74,210
Coarse Particulates	32,073
Fluoride	3,701
Sulfur oxides (as sulphuric acid mist and sulfur trioxide (as SO_3))	73,657
Nitrogen oxides	110,000

Note: The total load of the assessable pollutant shall be calculated in accordance with the relevant load calculation protocol, as defined by OEH guidelines.

Dust Management

17. The Proponent shall:
    a) design, construct, operate and maintain the project in a manner that minimises or prevents the emission of dust from the site;
    b) take all practicable measures to ensure that all vehicles entering or leaving the site and carrying a load that may generate dust are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times;
    c) maintain all trafficable areas and vehicle manoeuvring areas on the site in a condition that will minimise the generation or emission of wind blown or traffic generated dust from the site; and
    d) ensure each kiln is fitted with a dust collection system to capture emissions,

    to the satisfaction of the Director-General.

Discharge Limits and Stack Discharge Design Requirements

18. Unless otherwise specified by the Director-General, the Proponent shall:
    a) comply with all monitoring (points) requirements and pollutant discharge concentrations as specified by the OEH in the EPL; and
    b) ensure that the stack discharge design requirements comply with the EPL.

Air Quality Management Plan

19. The proponent shall prepare and implement an Air Quality Management Plan for the project to the satisfaction of the Director-General. The Plan must:
    a) be prepared by suitably qualified expert and submitted to the Director-General for approval prior to commencement of construction of any subsequent stage of the project;
    b) identify all major sources of particulate and gaseous air pollutants that may be emitted as result of the operation of the project, including identification of the major components and quantities of these emissions;
    c) include monitoring of particulate and gaseous emissions from the project, in accordance with any requirements of the EPL;
    d) include continuous dust-leak detection monitoring of fabric filter discharges;
    e) include monitoring of the impacts of fluoride on vegetation in accordance with the EPL with sampling/observations designed to assess impacts on sensitive ornamental plants in adjacent residential areas;
    f) include procedures for the minimisation of particulate and gaseous emissions from the project, and the reduction of these emissions over time, where appropriate;
    g) include protocols for regular maintenance of process equipment to minimise the potential for dust emissions;
    h) detail procedures to be undertaken if any non-compliance is detected;
    i) include mechanisms to consider cumulative air quality impacts in the context of development in the Rutherford industrial area; and
    j) outline how data from the relocated meteorological station site would be used as part of the validation modelling required under condition 20.

Performance Validation Monitoring

20. The Proponent shall prepare and implement Air Emissions Validation Reports to the satisfaction of the Director-General and OEH. These reports must:
    a) be prepared by a suitably qualified expert whose appointment has been endorsed by the Director-General;
    b) be undertaken within 90 days of the commencement of operation of each stage (stages 1 to 8) of the project and during a period in which the facility is operating under design loads and normal operating conditions;
    c) be conducted in accordance with the documents "*Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales'* and " *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*"; and
    d) include:
        - a program for point source emission testing on each stack as described in the site EPL;
        - the results of the stack testing and a validation with the project's air emission limits;
        - a validation against the predictions made in the EA using both simulated and actual site meteorological data collected in accordance with the EPL and as modified by Condition 19(j) above;
        - details of any exceedances or non-compliance with the limits in the EPL and approval; and
        - measures to mitigate the exceedance or non-compliance.

    Should any Air Emissions Validation Reports identify an exceedance or non-compliance, then the Proponent shall implement additional mitigation or attenuation to the satisfaction of the OEH and Director-General within the timeframe specified by the Director-General and prior to any progression to the next stage.

Performance Guarantees

21. Prior to the commencement of construction of each stage of the project, the Proponent shall provide manufacturer's performance guarantees for all plant and equipment to demonstrate that all sources of air pollutants will comply with the emission concentration limits specified in the EPL, to the satisfaction of the OEH.

Odour

22. The Proponent shall not cause or permit the emission of any offensive odour from the site.

    Note: Section 129 of the POEO Act provides that the Proponent shall not cause or permit the emission of any offensive odour from the site, but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

Greenhouse Gas Emissions

23. The Proponent shall implement all reasonable and feasible measures to minimise:
    a) energy use on site; and
    b) the scope 1 and 2 greenhouse gas emissions produced on site,
    to the satisfaction of the Director-General.

24. The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director-General. The plan shall:
    a) be submitted to the Director-General for approval within 12 months of this approval; and
    b) be prepared in accordance with the *Guidelines for Energy Savings Action Plans (DEUS 2005)*.

NOISE

Construction and Operation Hours

25. The Proponent shall comply with the hours of operation in Table 4, unless otherwise agreed by the Director-General. Construction activities (with the exception of earthworks and building construction activities) are permitted to occur outside of these hours provided it meets the operational noise criteria as defined in Table 6.

Table 4: Hours of Operation

Activity	Day	Hours
Construction	Monday - Saturday	7 am – 5 pm
	Sunday & Public Holidays	Nil
Operation	Monday - Sunday	No Restriction
Truck deliveries to the site and dispatch from the site	Monday - Sunday	7 am – 10 pm

Noise Limits

26. The Proponent shall ensure that noise generated from the project does not exceed the noise limits presented in Table 5. Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Table 5: Project Noise Limits, dB(A)

Location	Day	Evening	Night	
	$L_{Aeq\ (15\ minute)}$	$L_{Aeq\ (15\ minute)}$	$L_{Aeq\ (15\ minute)}$	L_{Amax}
Kenvil Close	35	35	35	45
Wollombi Road	35	35	35	45

Noise Management

27. The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General. The Plan must:
    a) be prepared by a suitably qualified acoustical expert and submitted to the Director-General for approval prior to commencement of construction of any subsequent stage of the project;
    b) identify all specific activities that will be carried out during construction and operation and associated noise sources;
    c) identify all potentially affected sensitive receivers;
    d) specify noise criteria (reflect the noise limits presented in Table 5);
    e) describe management methods and procedures and specific noise mitigation treatments that will be implemented to control noise emissions;
    f) detail an operational noise monitoring program to be prepared by a qualified acoustic consultant and implemented to monitor the effects of the project on the acoustic environment during operation, including road traffic noise, with details of procedures to be undertaken if any non-compliance is detected;
    g) detail procedures to receive, record and respond to complaints; and
    h) describe the contingencies that would be implemented, and the timing for implementation, should non compliances be detected.

Validation

28. The Proponent shall prepare and implement Noise Validation Reports to the satisfaction of the Director-General. These reports must:
    a) be prepared by a suitably qualified acoustical expert whose appointment has been endorsed by the Director-General;
    b) be undertaken within 90 days of the commencement of operation of each subsequent stage (stages 1 to 8) of the project and during a period in which the facility is operating under normal operating conditions;
    c) be conducted in accordance with the *NSW Industrial Noise Policy*; and
    d) include:
        - a validation against the predictions made in the EA including the proposed noise attenuation;
        - details of any exceedances or non-compliance with the noise limits in this approval; and
        - measures to mitigate the exceedance or non-compliance.

    Should any Noise Validation Reports identify an exceedance or non-compliance, then the Proponent shall implement additional mitigation or attenuation to the satisfaction of the OEH and Director-General within the timeframe specified by the Director-General and prior to any progression to the next stage.

DESIGN

Architectural Design

29. The Proponent shall construct the facility generally in accordance the elevations shown in Appendix 4 including additional noise attenuation of building sections. Building design shall incorporate the following noise mitigation features:
    a) increased thickness of metal sheeting to 0.48 BMT on the east façade, south façade and roof (previous assumption in noise model was 0.3 BMT) with 55 mm insulation fixed to underside of roof;
    b) existing dust extractor to be enclosed;
    c) alsynite roofing on the proposed main building located only on the west section of the roof. This is assuming the roof is pitched and therefore the alsynite panelling is angled away from Heritage Green receivers to the east;
    d) no alsynite panels on the east and south walls of the proposed Mill & Spray Dryer section of the building;
    e) the bag-houses for the proposed kiln stacks shall be located inside the factory building; and
    f) the dust extraction unit, located on the southern end of the eastern wall of the factory building, shall be enclosed to reduce noise emission to the east and south.

VISUAL

Landscape Design

30. The Proponent shall prepare and implement a Landscape Management Plan for the project to the satisfaction of the Director-General. The plan shall;
    a) be submitted to the Director-General for approval prior to commencement of construction of any subsequent stage of the project;
    b) be prepared in consultation with Council;
    c) detail existing and proposed landscaping on the site;
    d) maximise the use of flora species endemic to the locality in landscaping the site;
    e) incorporate weed management for the site; and
    f) include a schedule for implementation and maintenance.

31. The Proponent shall complete the landscaping along the eastern site boundary within 6 months following the construction of any stage of the new factory building (see figure in Appendix 2).

Lighting

32. The Proponent shall ensure that the lighting associated with the project:
    a) complies with the latest version of Australian Standard *AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting*;
    b) is adequate for night time security purposes; and
    c) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

33. The Proponent shall not erect any signage and advertising media at the site, with the exception of internal site signage for traffic management and safety purposes. Any proposed signage will be subject to further application and approval by the Director-General.

Fencing

34. The Proponent shall erect security fencing around the perimeter of the site with lockable gates at each entry point.

TRAFFIC AND ACCESS

Oversized Transportation

35. The Proponent shall obtain a permit for an oversized and over mass load from the RTA, if transportation of oversized or over mass materials or machinery is required for the project.

Access

36. The Proponent shall:
    a) ensure that all vehicles entering and exiting the site do so in a forward direction; and
    b) install a median strip or similar device on the driveway to ensure that internal two-way traffic is separated.

Vehicle Queuing and Parking

37. The Proponent shall ensure that:
    a) a minimum of 70 parking spaces are provided on site;
    b) all parking generated by the project is accommodated on site, and that no vehicles associated with the project are parked on the public road system at any stage;
    c) the project does not result in any vehicles queuing on the public road network; and
    d) provide direction line marking and signage on site to direct heavy vehicles, staff and visitors to the relevant parking areas, loading docks and exits to ensure safe traffic flow.

38. The Proponent shall ensure that the parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking area in accordance with the current relevant Australian Standards AS*2890.1:2004,* except where amended by other conditions of this approval.

39. The Proponent shall ensure that disabled parking and assess is provided on-site and shall comply with Australian Standard *AS1428.1 (2001) - Design for Access and Mobility - Part 1 General Requirements for Access – Buildings*.

Traffic Management

40. The Proponent shall prepare and implement a Traffic Management Plan for the project to the satisfaction of the Director-General. The plan must:
    a) be prepared in consultation with the RTA and Council, and be submitted to the Director-General for approval prior to commencement of construction of any subsequent stage of the project;
    b) be prepared by a suitably qualified expert;
    c) detail construction and operation vehicle routes, access and parking arrangements, traffic restrictions and traffic control; and
    d) include a Driver Code of Conduct.

SOIL AND WATER

41. Except as may be expressly provided in an EPL for the project, the Proponent shall comply with section 120 of the POEO Act.

Erosion and Sediment Control

42. The Proponent shall prepare and implement an Erosion and Sediment Control Plan for the project to the satisfaction of the Director-General. This plan must:
    a) be submitted to the Director-General before the commencement of construction of any subsequent stage of the project;

b) be prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction* manual;
c) identify the works that could cause soil erosion and generate sediment;
d) describe the location, function, and capacity of the erosion and sediment controls that would be implemented; and
e) describe the measures that would be implemented to maintain these controls during the construction period.

43. All erosion and sedimentation controls required as part of this approval shall be maintained at design capacity for the duration of the construction works, and until such time as all ground disturbed by the construction works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Water Demand

44. Prior to exceeding a water consumption level of 92ML/year, the Proponent shall obtain written approval from HWC that the amount required for each new Stage of the project is within the capacity able to be provided by HWC, to the satisfaction of the Director-General.

Alternative Water Source

45. Prior to the installation of any alternative water supply infrastructure, the Proponent shall consult with, and seek the approval of Hunter Water Corporation and Council.

Stormwater Management

46. Proponent shall prepare and implement a Stormwater Management Plan for the project to the satisfaction of the Director-General. This plan must:
a) be prepared in consultation with Council and be submitted to the Director-General for approval prior to the commencement of construction of any subsequent stage of the project;
b) be prepared in accordance with the latest version of *Managing Urban Stormwater: Council Handbook* (DECC);
c) outline measures to manage stormwater to prevent the pollution of waters;
d) include a program to monitor stormwater quantity and quality; and
e) include detailed plans of the stormwater system.

47. The Proponent shall ensure that the construction and operation of the facility does not concentrate or lead to an increase in the rate of flow of stormwater discharged from the site over and above the pre-development flow conditions.

48. The Proponent shall design, construct, operate and maintain all stormwater infrastructure to direct all stormwater runoff to the site's stormwater detention basins. Such stormwater infrastructure shall be capable of handling all stormwater discharges up to and including a 1 in 100 year ARI storm event.

HERITAGE

49. The Proponent shall cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered onsite. The NSW Police, the Aboriginal Community and the OEH are to be notified. Works shall not resume in the designated area until approval in writing from the NSW Police and/or the OEH has been obtained.

50. The Proponent shall ensure all reasonable and feasible measures are made to avoid impacts to Aboriginal Cultural Heritage values for the life of the project. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and the OEH.

51. The Proponent shall:
a) prepare an Aboriginal Cultural Education Program for the induction of personnel and contractors involved in construction and landscaping activities on site, prior to the commencement of construction of any subsequent stage of the project: and
b) undertake consultation with Aboriginal stakeholders in the event of the discovery of Aboriginal cultural object(s) throughout the construction of the project,
to the satisfaction of the Director-General.

WASTE MANAGEMENT

52. A designated area for the storage and collection of waste and recyclable materials shall be provided at the site and shall be designed, constructed, operated and maintained in a manner so as not to cause a nuisance to adjoining properties.

53. The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the site to be disposed of at the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

54. All wastes generated on site during construction and operation of the project shall be classified in accordance with the *Waste Classification Guidelines, December 2009* (or later version) and disposed of to a facility that may lawfully accept the waste.

HAZARDS

55. The Proponent shall ensure that the fuel storage tank is surrounded by a bund with a capacity to contain 110% of the largest tank within the bund. The bund(s) must be designed and installed in accordance with the requirements of the relevant Australian Standards and/or the OEH's *Environmental Protection Manual Technical Bulletin Bunding and Spill Management.*

SCHEDULE 4: ENVIRONMENTAL MANAGEMENT, MONITORING AND INCIDENT REPORTING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

56. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:
    a) be submitted to the Director-General for approval prior to commencement of any construction works;
    b) be prepared by a suitably qualified and experienced expert;
    c) provide the strategic framework for environmental management of the project;
    d) identify the statutory requirements that apply to the project;
    e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project.
    f) describe in detail the management measures that would be implemented to address environmental issues;
    g) describe in general how the environmental performance of the project would be monitored and managed;
    h) describe the procedures that would be implemented to:
        - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
        - receive, handle, respond to, and record complaints;
        - resolve any disputes that may arise during the course of the project;
        - respond to any non-compliances; and
        - respond to emergencies; and
    i) include copies of the various strategies and plans that are required under the conditions of this approval once they have been approved.

Construction Environmental Management Plan

57. The Proponent shall prepare and implement a Construction Environmental Management Plan (CEMP) to outline environmental management practices and procedures to be followed during the construction of the ceramic tile manufacturing facility. The Plan shall include, but not necessarily be limited to:
    a) a description of all activities to be undertaken on the site during construction of the ceramic tile manufacturing facility, including an indication of stages of construction, where relevant;
    b) statutory and other obligations that the Proponent is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
    c) detailed management measures that would be implemented to address environmental issues (ie, noise, air quality, heritage, water, potential acid sulphate soil);
    d) specific consideration of measures to address any requirements of the Department, Council and the OEH during construction;
    e) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts; and
    f) a description of the roles and responsibilities for all relevant employees involved in the construction of the ceramic tile manufacturing facility.

    The CEMP shall be submitted for the approval of the Director-General prior to the commencement of construction of any subsequent stage of the project.

ENVIRONMENTAL REPORTING

Incident Reporting

58. Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and any other relevant agencies of the incident.

59. Within 7 days of the detection of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

ANNUAL PERFORMANCE REPORTING

60. Every year from the date of this approval, unless the Director-General agrees otherwise, the Proponent shall submit an Annual Environmental Management Report (AEMR) to the Director-General and relevant agencies. The AEMR shall:

a) be conducted by suitably qualified and independent team of whose appointment has been endorsed by the Director- General;
b) be submitted within 3 months of the period being assessed by the AEMR;
c) identify the standards and performance measures that apply to the development;
d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
e) include a summary of the monitoring results for the development during the past year;
f) include an analysis of these monitoring results against the relevant:
    - impact assessment criteria;
    - monitoring results from previous years; and
    - predictions in the EA;
g) identify any trends in the monitoring results over the life of the development;
h) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies;
i) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance; and
j) identify continuous improvement measures, outlining new developments in air quality and noise control, and detailing practices that have been implemented on the site during the previous year, to reduce air quality and noise impacts.

INDEPENDENT AUDIT

61. Every 3 years from the date of this approval, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
    a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
    b) be undertaken in consultation with the OEH and Council;
    c) include an assessment of the noise and air quality performance of the project;
    d) assess the environmental performance of the project and undertake any works necessary to determine whether it is complying with the relevant standards, performance measures, and statutory requirements;
    e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
    f) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.

62. Within 6 weeks of completing this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.

63. Within 3 months of submitting an audit report to the Director-General, the Proponent shall review and if necessary revise the strategy/plans/programs and undertake additional mitigation measures as required under this approval to the satisfaction of the Director-General.

ACCESS TO INFORMATION

64. Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or annual reports required under this approval, the Proponent shall:
    a) provide a copy of the relevant documents/data to the relevant agencies; and
    b) make the documents publically available in an appropriate electronic format on the Proponent's web site, should one exist. If a web site does not exist, the documents are to be made available upon request.

APPENDIX 1: NCIA's STATEMENT OF COMMITMENTS

6.0 Revised Statement of Commitments

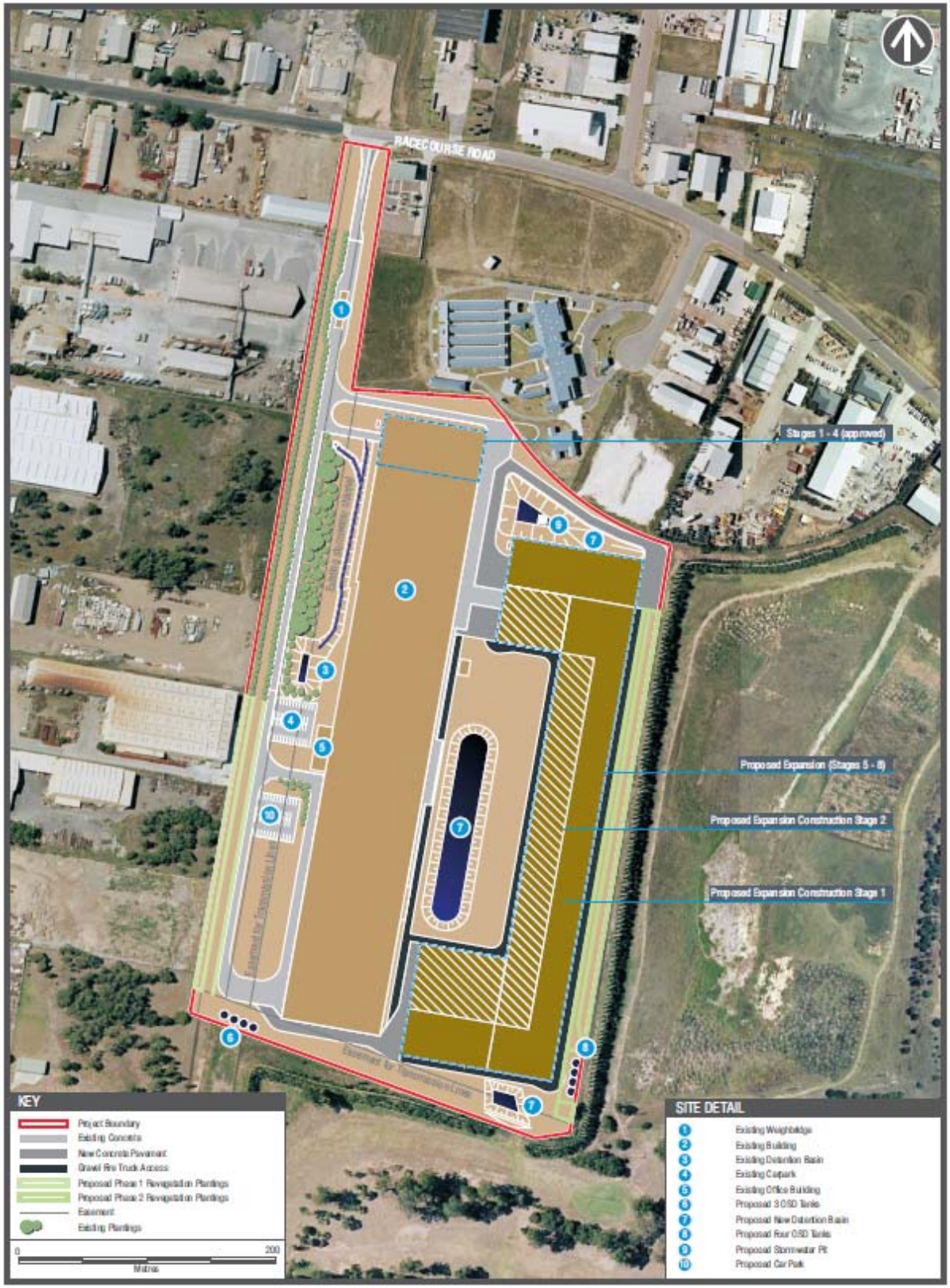
Table 15: Revised Statement of Commitments

Issue	Safeguard
Air Quality	**Construction** A Construction Environmental Management Plan (CEMP) would be prepared prior to commencement of construction of the project. The CEMP would include as a minimum: • Control of access via sealed roadways; • Vehicle speed limits on site; • Avoid dust-generating activities during undesirable conditions; • Minimisation of areas of disturbed soils during construction; • Dust suppression with water sprays or other media during windy periods (as required); • Stockpiling of soils on site kept to a practical minimum; • Construction equipment idling time minimisation and appropriate engine tuning and servicing to minimise exhaust emissions; and • Procedures to address any complaints received. **Operation** NCIA commits to the stringent air emissions concentration limits required of the approved facility for the project as detailed in the existing development consent as modified. Additionally: • Dust extraction baghouses would be integrated with the kiln stacks; • Fluoride emissions would be managed within the kiln baghouses by implementing a mechanism where a fine spray of lime is injected into the kiln exhaust flow to scrub the HF emissions; - Lime used in the baghouse would have a high percentage of Calcium available for scrubbing of HF; - Installation of additional monitoring points to monitor baghouse operational parameters e.g. pressure drop to allow more efficient tracking of the performance of the baghouses; and - All new production lines will have kiln stack filtration systems positioned internally to the buildings. The aim of this is to ensure more efficient management of the emissions. • Dust extraction baghouses would be integrated with the spray dryers; • Fabric filters would also be implemented on the extraction fans located adjacent to the selection line; • NCIA would continue their vegetation monitoring program as required by their existing consent and Environment Protection Licence; and • The clay preparation area would be located inside the factory building.
Greenhouse Gas and Energy Efficiency	• An Energy Savings Action Plan would be prepared; • New generation kilns would be installed that incorporate new energy recovery systems; and • The project would be designed to allow for the addition of electricity cogeneration facilities by way of leaving space and allowing for easy connection and integration at a later date.

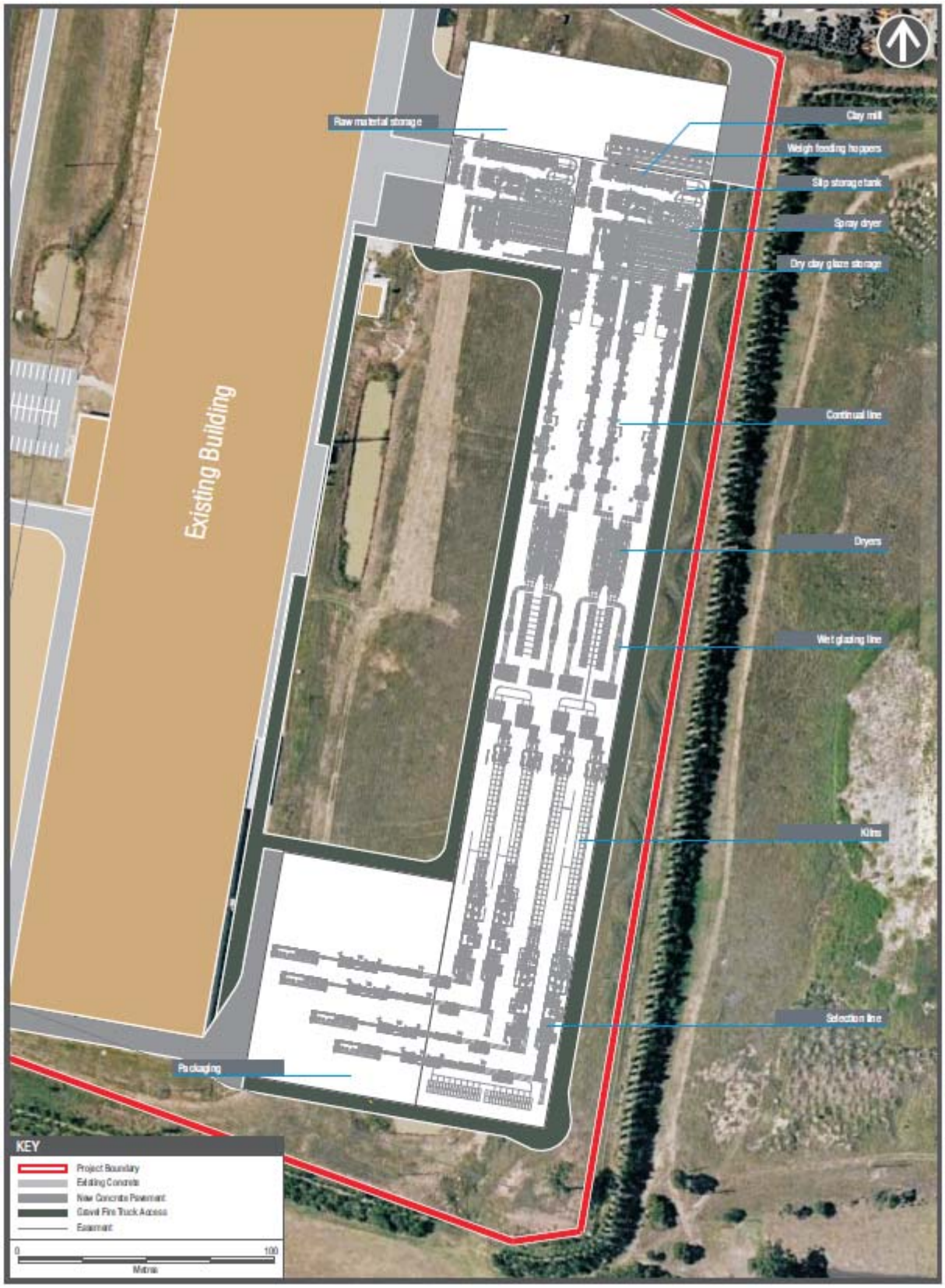
Issue	Safeguard
Noise	• The project would commit to and adopt the operational noise criteria outlined in the EA and the Submissions Report; • Increased thickness of metal sheeting to 0.48 BMT on the east façade, south façade and roof (previous assumption in noise model was 0.3 BMT) with 55 mm insulation fixed to underside of roof; • Existing dust extractor to be enclosed; • Alsynite roofing on the proposed main building located only on the west section of the roof. This is assuming the roof is pitched and therefore the alsynite panelling is angled away from Heritage Green receivers to the east; • No alsynite panels on the east and south walls of the proposed Mill & Pray Dryer section of the building; • No truck deliveries of raw products or final product despatch would occur during the night time period (night-time 10.00 pm to 7.00 am); • Electric, laser guided forklifts would be utilised to transport final product from the proposed factory building to the product despatch area of the existing building; • The transport route for both forklifts and delivery/product despatch truck would be designed to minimise the need for reversing and, as such, the use of reversing alarms; • The bag-houses for the proposed kiln stacks would be located inside the proposed factory building; and • The proposed dust extraction unit, located on the southern end of the eastern wall of the proposed factory building, would be enclosed to reduce noise emission to the east and south.
Traffic and Parking	• The onsite car parking would be increased to 70 spaces to ensure adequate provision is provided for all staff and visitors and all new spaces would be provided in accordance with AS2890.
Hazard and Risk	• The existing site emergency plan would be updated as required to include potential incidents at the expanded facility, including gas releases/fires and diesel releases/fires; and • Fuel handling management procedures would be included in the revised site Operational Environmental Management Plan.
Soil and Water	• Wet detention basins would be provided with the dual function of reducing peak stormwater flows and improving water quality by settling of sediment prior to discharge; • Rainwater tanks would be provided with the function of reducing peak stormwater flows; • Grass swales to collect runoff from beside roadways, to connect between the wet detention basins, to reduce runoff velocities, to provide some infiltration of water, and for water quality improvement; • Ground area disturbed would be minimised at any one time during construction and progressive rehabilitation/ landscaping of completed areas; • The volume of water required to be handled would be minimised by diverting clean water around all disturbed areas; • The surface of all areas required for construction traffic, parking, storage and amenities would be treated to provide adequate drainage and prevent soil loss; • Provision of sedimentation traps and fencing to capture and treat runoff from all disturbed areas would be provided, including a regime for inspection and removal of accumulated sediment; • Storage of potential contaminants (i.e. fuels, oils or chemicals) would occur offsite or within bunded, covered and lined areas;

Issue	Safeguard
	• The construction and operation of the project would not concentrate or lead to an increase in the rate of flow of stormwater discharged from the site over and above the predevelopment flow conditions; • An Acid Sulfate Soils Management Plan (ASSMP) would be prepared in accordance with the Acid Sulfate Soil Planning Guidelines (NSW Acid Sulfate Soils Management Advisory Committee, 1998) prior to the construction of Stages Five – Eight; and • The preliminary Soil and Water Management Plan and Erosion and Sediment Control Plan (Appendix D of the Submissions Report) would be generally followed and implemented during construction and operation.
Visual	• Planting of native vegetation around the perimeter of the site would be undertaken in locations unaffected by buildings, internal road ways or infrastructure easements to assist in screening outside views; • The use of appropriate building materials and colours to blend with the surrounding environment and reduce the visual dominance of the building; • Lights would be placed and designed to avoid causing glare or excessive light spillage on neighbouring sites; • Lighting near adjoining properties where appropriate would be shielded with cut off luminaries; • Building illumination would be discrete; • Lighting to car park areas and for security purposes would be low intensity; and • The updated Landscape Management Plan will include details of onsite lighting.
Ecology	• NCIA would continue its vegetation monitoring program for fluoride as required by their existing consent and EPL; and • NCIA would finalise their onsite revegetation generally in accordance with Figure 4 of the EA and as described in Section 14.1.3 of the EA.
Aboriginal Heritage	• Even though no areas or objects of Aboriginal cultural heritage significance have been identified within the project site, there still remains the potential (albeit very low) that there may be Aboriginal cultural objects below the ground surface. Agreed management procedures for unexpected finds (identified in the EA and the Submissions Report) will provide an effective way to minimise project impacts on unrecorded Aboriginal cultural heritage. Procedures for the Discovery of Archaeological Deposits and the Discovery of Human Remains are detailed in Section 14.3.1 of the EA (and refined in **Section 2.1.6**.of the Submissions Report) and would be implemented during the Project.
Environmental Monitoring	• NCIA would continue their vegetation monitoring program as required by their existing consent and EPL; and • NCIA would negotiate with DECCW and DOP an appropriate Environmental Monitoring program.
Environmental Management and Reporting	• The existing site OEMP and environmental management plans would be reviewed, modified and updated to include the project; and • NCIA would continue with its environmental reporting and auditing requirements as specified in the existing development consent (where possible).

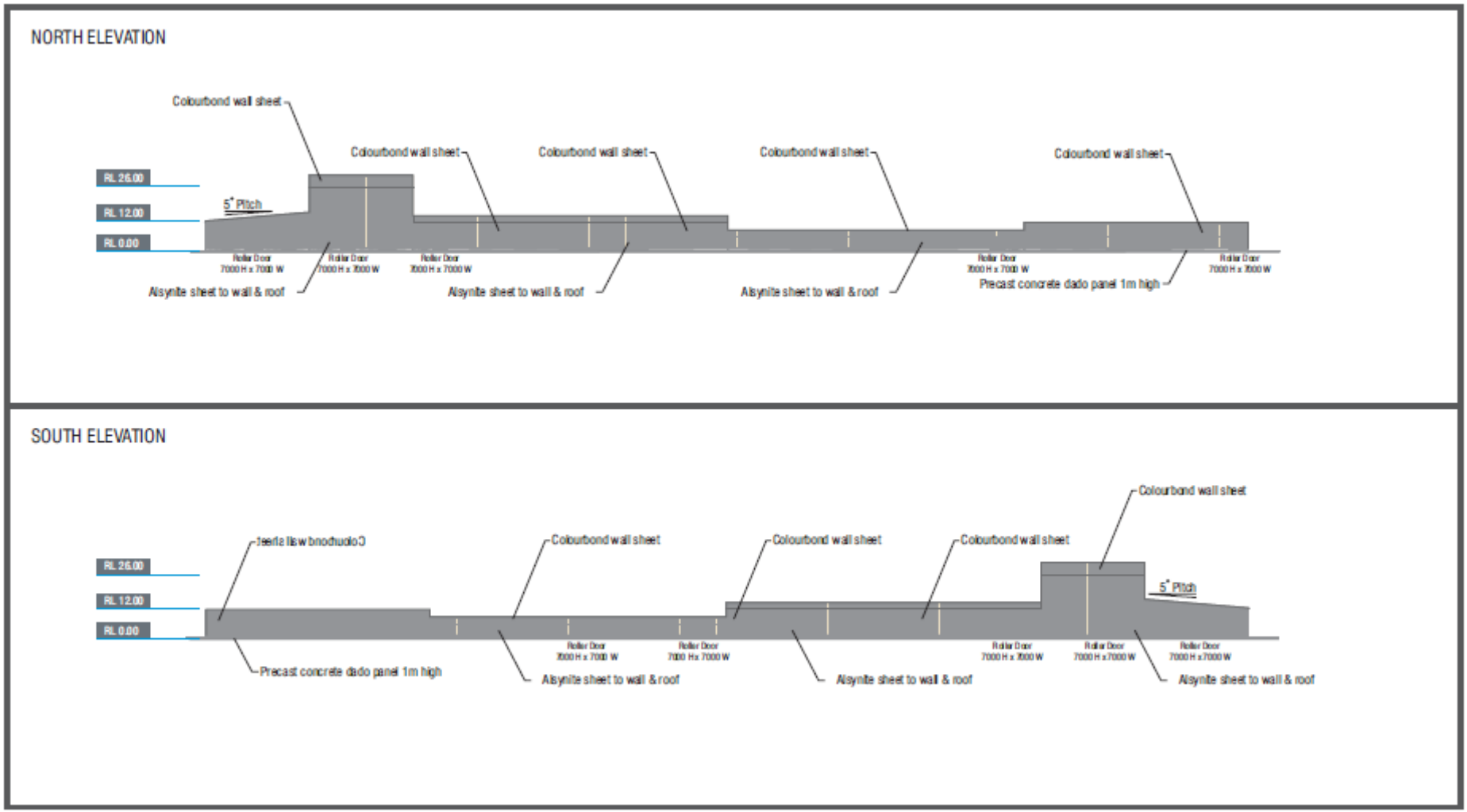
APPENDIX 2: SITE LAYOUT PLAN



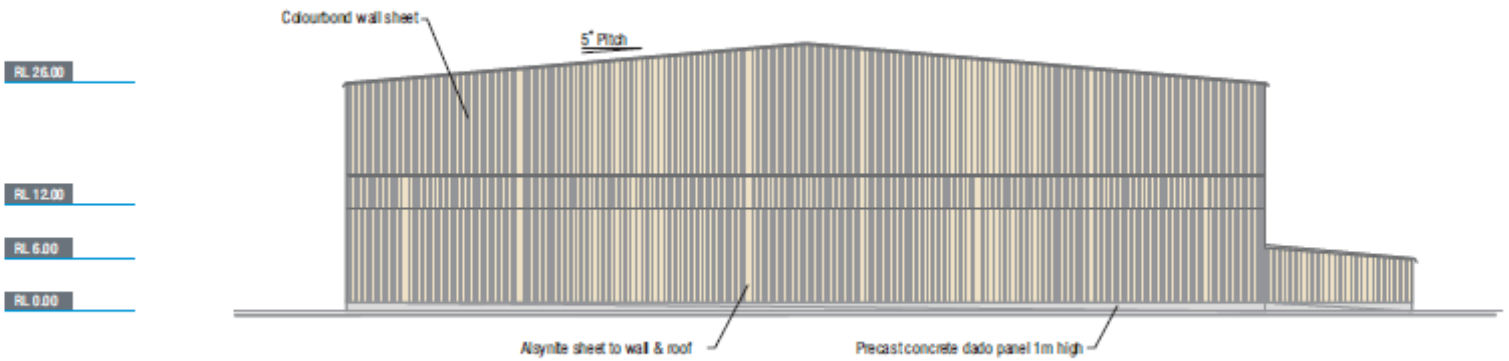
APPENDIX 3: INTERNAL FACTORY FITOUT



APPENDIX 4: BUILDING ELEVATIONS



NORTH ELEVATION



SOUTH ELEVATION