

# 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 26 April 2021, 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



Chris Ritchie  
**Director**  
**Industry Assessments**

Sydney

28 May 2021

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### SCHEDULE 1

<b>Application Number:</b>	SSD-10422
<b>Applicant:</b>	The Austral Brick Co Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lot 1 DP 785111 and Lot 1 DP 414246 416 & 524 Berrima Road, Moss Vale
<b>Development:</b>	Construction and 24/7 operation of a brickworks facility with a production capacity of 50 million bricks per annum.

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## DEFINITIONS

<b>Applicant</b>	The Austral Brick Co Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BDAR</b>	Biodiversity Development Assessment Report titled <i>416 Berrima Road, New Berrima Biodiversity Development Assessment Report, Brickworks Land and Development</i> , prepared by Cumberland Ecology Pty Ltd, dated 4 December 2020.
<b>Calendar year</b>	A period of 12 months commencing on 1 January
<b>Carrier</b>	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including clearing of land, bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	Wingecarribee Shire Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in Schedule 1, the EIS and Response to Submissions, including the works and activities comprising the construction and 24/7 operation of a brickworks facility, as modified by the conditions of this consent.
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>DPIE</b>	Department of Planning, Industry and Environment
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EES</b>	Environment, Energy and Science Group of the Department
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement SSD-10422 Proposed Brickworks Plant</i> , prepared by Willow Tree Planning Pty Ltd dated 16 June 2020, submitted with the application for consent for the development.
<b>ENM</b>	Excavated Natural Material
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Fibre ready facility</b>	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	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

<b>Incident</b>	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
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>NRAR</b>	Natural Resources Access Regulator, DPIE
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The carrying out of the brickworks facility as described in the EIS and RTS
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary of the Department, or delegate
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	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.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Response to submissions</b>	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 document titled <i>State Significant Development Application (SSD 10422) For Proposed Brickworks Plant</i> , prepared by Willow Tree Planning Pty Ltd and dated 23 October 2020, supplementary response to submissions titled <i>State Significant Development Application (SSD 10422) For Proposed Brickworks Plant</i> , prepared by Willow Tree Planning Pty Ltd and dated 1 March 2021.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	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 RTS;
  - (d) in accordance with the Development Layout in Appendix 1; and
  - (e) in accordance with the management and mitigation measures in Appendix 5.
- 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) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **LIMITS OF CONSENT**

##### **Lapsing**

- 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.

##### **Brickworks Facility Production Capacity**

- A6. This development must not produce more than 50 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;
  - (c) cessation of operations; and
  - (d) decommissioning.
- A8. If the construction or operation or decommissioning 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 other timeframe 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.

## **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.

## **OPERATION OF PLANT AND EQUIPMENT**

- A18. 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.

## **EXTERNAL WALLS AND CLADDING**

- A19. 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.

- A20. Prior to 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 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 issuing of a Subdivision Works or 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. Before the issue of the final Occupation Certificate 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 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.

#### **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**

#### **Dust Minimisation**

- B1. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B2. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### **Air Quality Discharges**

- B3. 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**

- B4. 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:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) detail and rank all emissions from all sources of the development, including particulate emissions;
  - (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
  - (d) identify the control measures that will be implemented for each emission source;
  - (e) detail additional measures to be implemented to further reduce emissions; and
  - (f) nominate the following for each of the proposed controls:
    - (i) key performance indicator;
    - (ii) monitoring method;
    - (iii) location, frequency and duration of monitoring;
    - (iv) record keeping;
    - (v) complaints register;
    - (vi) response procedures; and
    - (vii) compliance monitoring.
- B5. The Applicant must:
- (a) not commence operation until the Air Quality Management Plan required by condition B4 is approved by the Planning Secretary; and
  - (b) 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 Report**

- B6. Within three months of the commencement of operation, the Applicant must prepare and submit to the EPA and the Department, a post-commissioning air emissions report to verify all major emissions sources identified in the RTS (including the kiln and scrubber, proposed EPL Point 1) associated with the development. The report must:
- (a) be prepared by a suitably qualified and independent expert;
  - (b) be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*;
  - (c) reference manufacturer's specifications and/or performance guarantees for the kiln;
  - (d) include sampling and analysis of the air pollutants listed in the EPL;
  - (e) include a minimum of two rounds of testing for both oxidation and reduction operating conditions;



- (f) confirm the emission concentrations are consistent with those predicted in the revised air quality impact assessment (Airlabs Environmental, *Response to EPA Advice on Submissions Report*, dated 25 February 2021) and the limits prescribed in the EPL;
- (g) include records of the operating capacity and process rate of the activity at the time of sampling;
- (h) outline management actions to be taken to address circumstances where the concentrations specified in part (e) have been exceeded; and
- (i) describe the contingency measures and the timing of their implementation in the event the management actions are not effective in reducing the air emissions to an acceptable level.

### Odour Management

- B7. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act) beyond the boundary of the site.

### NOISE

#### Hours of Work

- B8. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

**Table 1** Hours of Work

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

- B9. Works outside of the hours identified in condition B8 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

- B10. 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 5.

#### Construction Noise Management Plan

- B11. The Applicant must prepare a Construction Noise 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) be prepared by a suitably qualified and experienced noise expert;
  - (b) be approved by the Planning Secretary prior to the commencement of construction of each stage of the development;
  - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
  - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (e) include strategies that have been developed with the community for managing high noise generating works;
  - (f) describe the community consultation undertaken to develop the strategies in condition B11; and
  - (g) include a complaints management system that would be implemented for the duration of the development.
- B12. The Applicant must:
- (a) not commence construction of any relevant stage until the Construction Noise Management Plan required by condition B11 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Noise Management Plan approved by the Planning Secretary for the duration of construction.

## Operational Noise Limits

B13. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

**Table 2 Noise Limits (dB(A))**

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)	Night L <sub>AFmax</sub>
All residential receivers	40	40	38	52

*Note Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 2 for the location of residential sensitive receivers.*

## Post-Commissioning Noise Verification Report

- B14. A noise verification report must be submitted to EPA and the Planning Secretary within three months of the completion of commissioning. The report must:
- (a) be prepared by a suitably qualified and experienced acoustic consultant;
  - (b) include an analysis of compliance with noise limits specified in condition B13;
  - (c) outline management actions to be taken to address any exceedances of the limits specified in condition B13; and
  - (d) describe the contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

## Operational Noise Management Plan

- B15. Prior to the commencement of operation, the Applicant must prepare an Operational Noise Management Plan (ONMP) for the development to the satisfaction of the Planning Secretary. The ONMP must form part of the OEMP required by condition C5 and must:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe all noise sources of the development;
  - (c) describe all measures implemented to ensure compliance with the noise limits specified in condition B13;
  - (d) include a system that allows for periodic assessment and incorporation where feasible and practical of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) to minimise noise emissions of the development;
  - (e) include an annual monitoring program that evaluates and reports on:
    - (i) compliance with the noise limits specified in B13;
    - (ii) the management actions to be taken to address any exceedances of the noise limits specified in B13;
    - (iii) the contingency measures that will be implemented in the event management actions are not effective in reducing noise levels to achieve compliance with the noise limits specified in B13.
- B16. The Applicant must:
- (a) not commence operation until the Operational Noise Management Plan required by condition B15 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Operational Noise Management Plan approved by the Planning Secretary for the duration of construction.

## TRAFFIC AND ACCESS

### Construction Traffic Management Plan

- B17. 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), whose appointment has been endorsed by the Planning Secretary;
  - (b) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - (c) detail heavy vehicle routes, access and parking arrangements;

- (d) 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;
- (e) include a program to monitor the effectiveness of these measures; and
- (f) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

B18. The Applicant must:

- (a) not commence construction until the Construction Traffic Management Plan required by condition B17 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.

#### **Operational Traffic Management Plan**

B19. Prior to commencement of operation, the Applicant shall prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Secretary. The OTMP must form part of the OEMP required by condition C5. The OTMP must:

- (a) be prepared by a suitable qualified and experienced person(s);
- (b) detail the numbers and frequency of truck movements, size of trucks, vehicle routes and hours of operation;
- (c) detail the access and parking arrangements for operational vehicles to ensure road and site safety, and demonstrate there will be no queuing on the public road network;
- (d) include details of proposed truck parking to ensure it is managed in an orderly manner; and
- (e) include a Driver's Code of Conduct which details traffic management measures to be implemented during operation to:
  - (i) minimise impacts of the development on the local and regional road network;
  - (ii) minimise conflicts with other road users;
  - (iii) ensure truck drivers use specified routes and minimise traffic during night-time hours; and
  - (iv) manage/control pedestrian movements.

#### **Roadworks and Access**

B20. The Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a B-double truck of 26 metre length.

#### **Parking**

B21. 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.

#### **Intersection Works**

B22. Prior to the commencement of operation of the development, the Applicant must complete the construction of the intersection upgrade works on the Berrima Road and Taylor Avenue intersection, and the Berrima Road and proposed heavy vehicle site access road, to the satisfaction of the relevant roads authority. All costs associated with the construction of the intersection upgrade works are to be paid by the Applicant. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

#### **Operating Conditions**

B23. 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 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
- (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**

B24. The Applicant must:

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

### **Erosion and Sediment Control**

B25. 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**

B26. 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.

### **Water Management Plan**

B27. Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The Water Management Plan must form part of the OEMP required by condition C5. The Water Management Plan must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with WaterNSW;
- (c) detail stormwater management and treatment measures and their locations;
- (d) include detailed stormwater management monitoring and inspection program and maintenance frequency;
- (e) outline roles and responsibilities for monitoring and maintenance; and
- (f) include measures in the event of a water quality emergency to prevent and minimise the extent of any water pollution.

B28. The Applicant must:

- (a) not commence operation until the Water Management Plan required by condition B27 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.

## **ABORIGINAL HERITAGE**

### **Aboriginal Cultural Heritage Management Plan (ACHMP)**

B29. Before the commencement of any clearing or construction works, the Applicant must prepare an ACHMP for the development to protect and manage AHIMS sites identified in Site 2 (see Appendix 3 of this consent) 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 expert in consultation with the Registered Aboriginal Parties; and
- (b) describe the measures to protect the AHIMS sites in perpetuity.

B30. The Applicant must:

- (a) not commence construction until the ACHMP is approved by the Planning Secretary; and
- (b) implement the most recent version of the ACHMP approved by the Planning Secretary for the life of the development.

## Unexpected Finds Protocol

- B31. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
  - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
  - (c) Heritage NSW must be contacted immediately.
- B32. 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

- B33. Prior to any clearing or construction works the Applicant must purchase and retire 34 species credits to offset the removal/disturbance of species identified in Appendix 4 of this consent. The species credits must be retired in accordance with the requirements of EES's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.
- B34. The requirement to retire species credits (see condition B33) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of species credits, as calculated by the EES's Biodiversity Offsets Payment Calculator.
- B35. The Applicant must provide the Planning Secretary with evidence that:
- (a) the retirement of ecosystem credits has been completed (see condition B33); or
  - (b) a payment has been made to the Biodiversity Conservation Fund (see condition B34), prior to undertaking any clearing of habitat, or activities that have the potential to impact upon this habitat.

## FIRE PROTECTION AND MANAGEMENT

### Asset Protection Zones

- B36. Throughout the duration of the development, the Applicant must manage the whole site as an inner protection area in accordance with the Bushfire Risk Assessment prepared by Blackash Bushfire Consulting, dated 17 March 2020 and the requirements of Appendix 4 of the NSW Rural Fire Services' *Planning for Bush Fire Protection 2019*.

### Access

- B37. Property access roads and public access roads must comply with the general requirements of Table 7.4a of *Planning for Bush Fire Protection 2019*.

### Bush Fire Emergency Management Plan

- B38. Prior to the commencement of operation of the development, the Applicant must prepare a Bush Fire Emergency Management and Evacuation Plan in accordance with *Development Planning: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (2014).

## HAZARDS AND RISK

### Dangerous Goods

- B39. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

### Bunding

- B40. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

## WASTE MANAGEMENT

### Pests, Vermin and Priority Weed Management

- B41. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared priority weeds on the site; and
  - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or priority weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

**Note:** For the purposes of this condition, priority weed has the same definition of the term in the Biosecurity Act 2015.

## CONTAMINATION

### Unexpected Finds

- B42. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

## VISUAL AMENITY

### Landscaping

- B43. Prior to the commencement of operation, the Applicant must prepare a final Vegetation 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 that have been planted on-site (including final planting densities);
  - (b) detail the procedures for the restoration of the riparian corridor;
  - (c) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
  - (d) be consistent with the Applicant's Management and Mitigation Measures provided in the Vegetation Management Plan, prepared by Cumberland Ecology dated 28 May 2020 and the mitigation measures outlined in Table 14 of the BDAR, prepared by Cumberland Ecology dated 4 December 2020.
- B44. The Applicant must:
- (a) not commence operation until the Vegetation Management Plan is approved by the Planning Secretary.
  - (b) must implement the most recent version of the Vegetation Management Plan approved by the Planning Secretary; and
  - (c) maintain the landscaping and vegetation on the site in accordance with the approved Vegetation Management Plan required by condition B43 for the life of the development.

### Lighting

- B45. 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.

### Signage and Fencing

- B46. All signage and fencing must be erected in accordance with the development plans included in the EIS.

**Note:** This condition does not apply to temporary construction and safety related signage and fencing.

## COMMUNITY ENGAGEMENT

- B47. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified in Appendix 2, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

### Community Consultation Plan

- B48. The Applicant must prepare a Community Consultation Plan for the development, to the satisfaction of the Planning Secretary. The Community Consultation Plan is to provide mechanisms to facilitate communication between the Applicant, Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the operation of the development. The Plan must:
- (a) be approved by the Planning Secretary prior to the commencement of construction;
  - (b) be implemented for the life of the development, or as otherwise agreed by the Planning Secretary;
  - (c) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the life of the development;
  - (d) detail the mechanisms for regularly consulting with the local community throughout the development, such as holding regular meetings to inform the community of the progress of the development (including consideration of options to implement sustainable technologies into site operations) and report on environmental monitoring results;
  - (e) detail a procedure for consulting with nearby sensitive receivers to manage traffic disruptions;

- (f) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and
- (g) include a complaints procedure for recording, responding to and managing complaints, including:
  - (i) email, toll-free telephone number and postal address for receiving complaints;
  - (ii) advertising the contact details for complaints prior to and during operation, via the local newspaper and through on-site signage;
  - (iii) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders;
  - (iv) a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and
  - (v) procedures to resolve any disputes that may arise during the course of the development.

B49. The Applicant must:

- (a) not commence construction until the Community Consultation Plan is approved by the Planning Secretary;
- (b) implement the approved Community Consultation Plan for the duration of the development.

## 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; and
    - (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 any exceedance of the impact assessment criteria and performance criteria);
    - (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 B17);
  - (b) Erosion and Sediment Control Plan;
  - (c) Biodiversity management measures in accordance with the recommendations of the BDAR prepared by Cumberland Ecology Pty Ltd, dated 4 December 2020;
  - (d) Construction Noise Management Plan (see condition B11);
  - (e) Aboriginal Cultural Heritage Management Plan (see condition B29);
  - (f) Unexpected finds procedure; and
  - (g) 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 B4);
  - (ii) Operational Noise (see condition B15);
  - (iii) Water (see condition B27); and
  - (iv) Vegetation Management Plan (see condition B43).

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 a Compliance Report under condition C14;
- (b) the submission of an incident report under condition C10;
- (c) the submission of an Independent Audit under condition C16;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

the strategies, plans and programs required under this consent must be reviewed.

C9. 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

C10. The Planning Secretary must be notified in writing via the Major Projects website 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 6.

### Non-Compliance Notification

- C11. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C12. 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.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Compliance Reporting

- C14. Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department, 2020) and must also:
  - (a) identify any trends in the monitoring data over the life of the development;
  - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and

- (c) describe what measures will be implemented over the next year to improve the environmental performance of the development
- C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

#### **Independent Audit**

- C16. 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 prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)
  - (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
  - (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).
- C17. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department, 2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C16 of this consent;
  - (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
  - (c) implement the recommendations to the satisfaction of the Planning Secretary; and
  - (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

#### **Monitoring and Environmental Audits**

- C18. 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, compliance reporting and independent 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**

- C19. 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;
    - (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) contact details to enquire about the development or to make a complaint;
    - (vii) a complaints register, updated monthly;
    - (viii) the Compliance Report of the development;
    - (ix) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

## BOWRAL BRICKS - PROPOSED NEW BRICK FACTOR

416 BERRIMA ROAD, MOSS VALE NSW 2577

DRAWING REGISTER		
TITLE	SCALE	DRAWING No
COVER SHEET & LOCATION PLAN	NTS	DA 101
SITE PLAN & SITE ANALYSIS PLAN	1:1000 @ A1	DA 102
OVERALL FLOOR PLAN	1:500 @ A1	DA 103
OVERALL ROOF PLAN	1:500 @ A1	DA 104
OFFICE & AMENITIES FLOOR PLAN	1:100 @ A1	DA 111
OVERALL ELEVATIONS	1:500 @ A1	DA 201
OVERALL SECTIONS	1:250 @ A1	DA 202
OFFICE ELEVATION & SECTION	1:100 @ A1	DA 211

DEVELOPMENT SCHEDULE	
BUILDING FOOTPRINT	33,545 m <sup>2</sup>
TOTAL HARDSTAND AREA (including roads and footpaths)	60,595 m <sup>2</sup>
LANDSCAPE AREA	84,214 m <sup>2</sup>
SITE AREA	178,656 m <sup>2</sup>
TOTAL BUILDING AREA	33,545 m <sup>2</sup>
FSR	0.19 : 1

SCHEDULE OF AREAS	GFA
PRODUCTION BUILDING	26,145 m <sup>2</sup>
OFFICE	895 m <sup>2</sup>
RAW MATERIAL STORAGE	5,550 m <sup>2</sup>
SURGE BINS	705 m <sup>2</sup>
CRUSHER	250 m <sup>2</sup>
TOTAL	33,545 m <sup>2</sup>

CARPARKING SCHEDULE	
TOTAL REQUIRED (INCLUDING 1 DISABLED PARKING SPACE)	
PARKING PROVIDED	59



LOCATION PLAN


**PROPOSED NEW BRICK FACTORY**  
**BOWRAL BRICKS**  
 416 BERRIMA ROAD, MOSS VALE NSW 2577

**Figure 1: Cover Sheet & Location Plan**

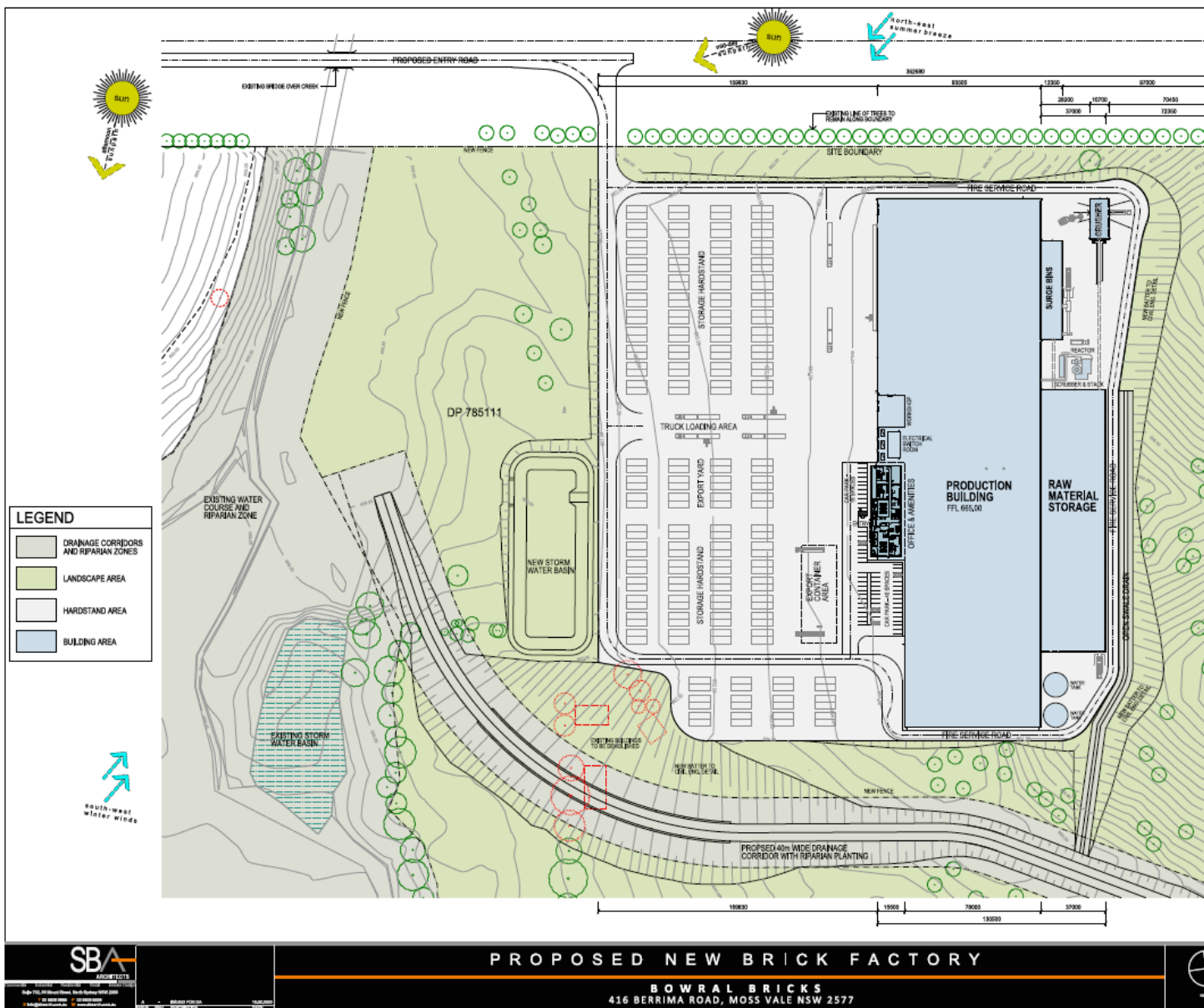
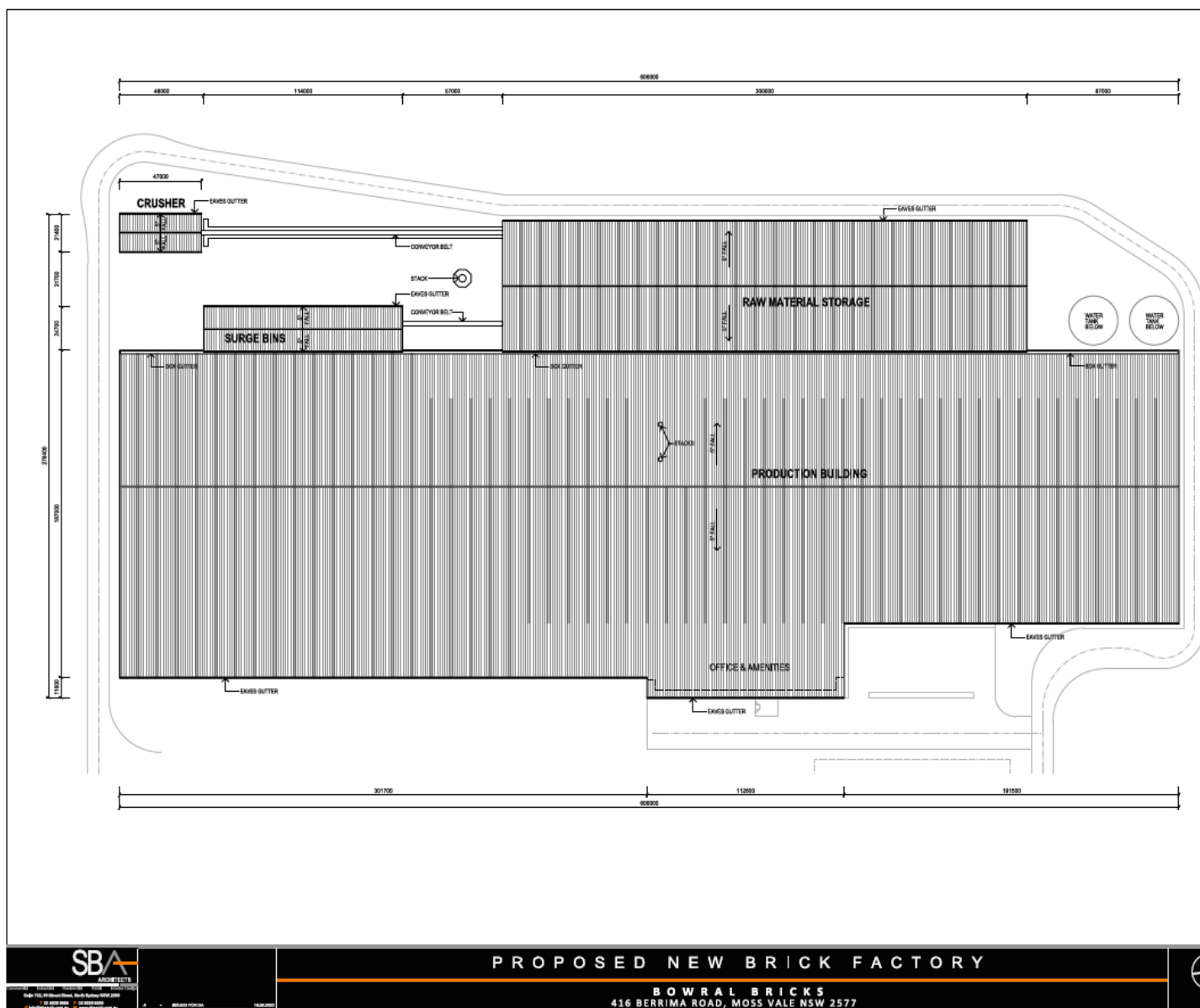


Figure 2: Site Plan









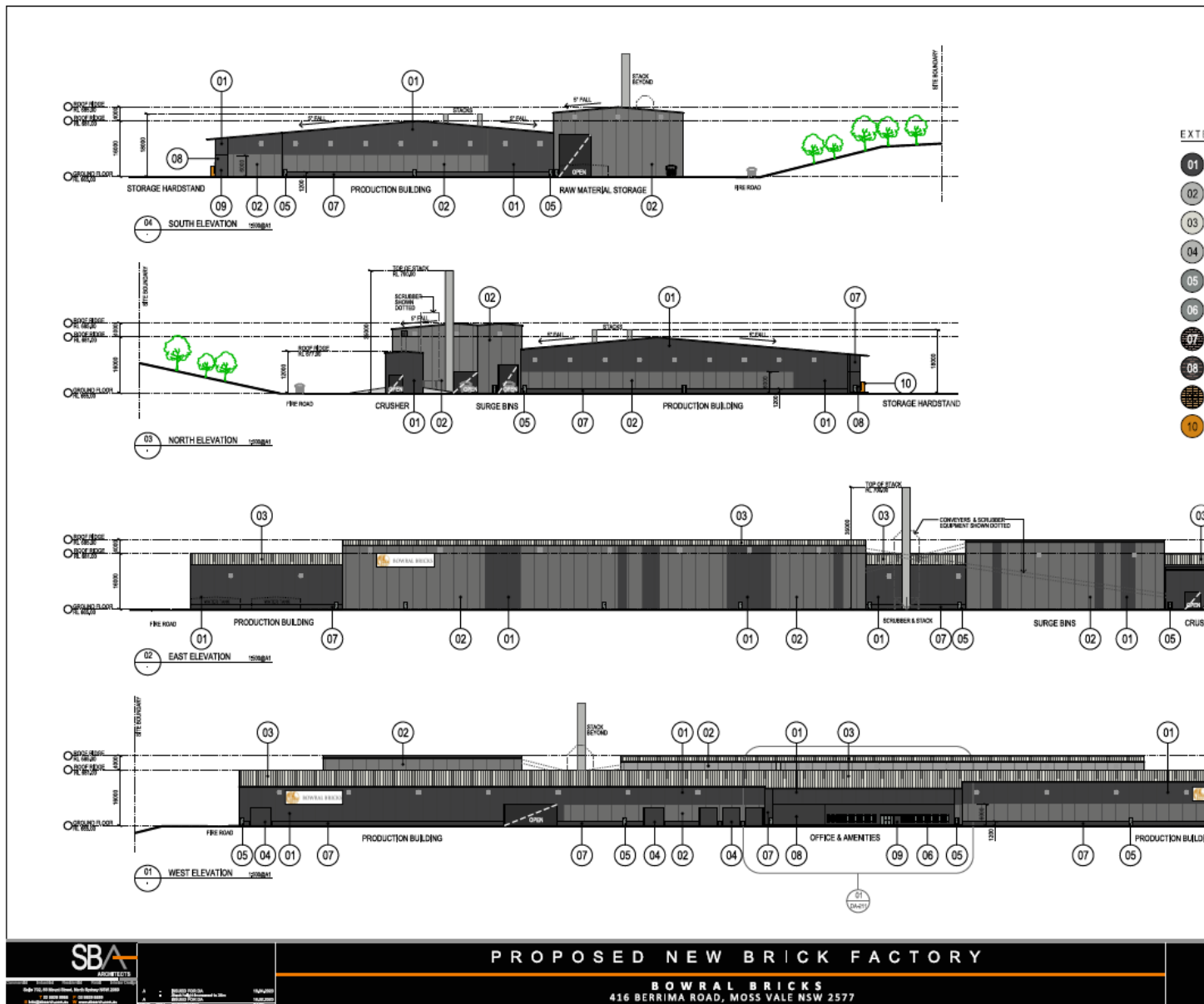


Figure 6: Elevations



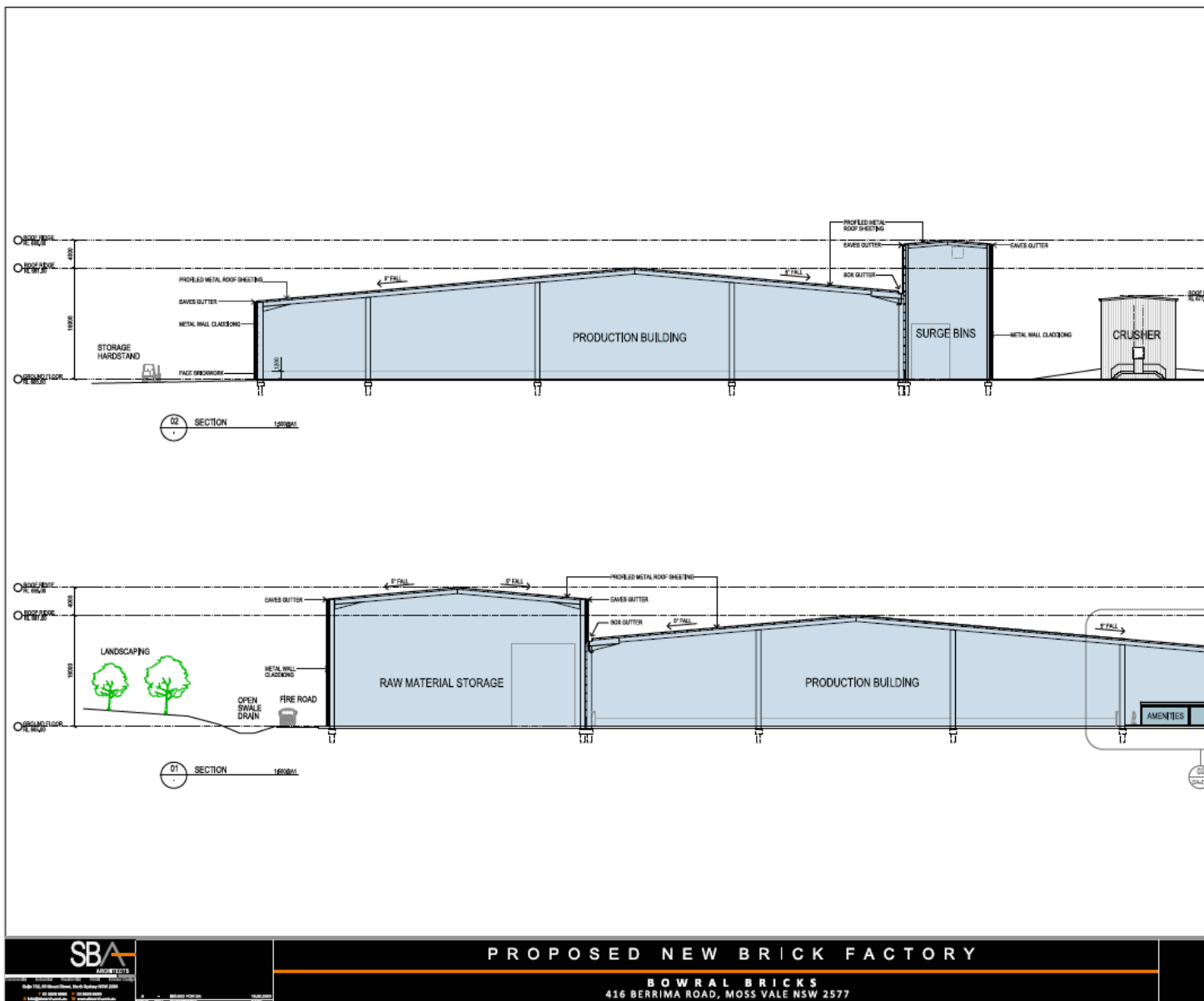
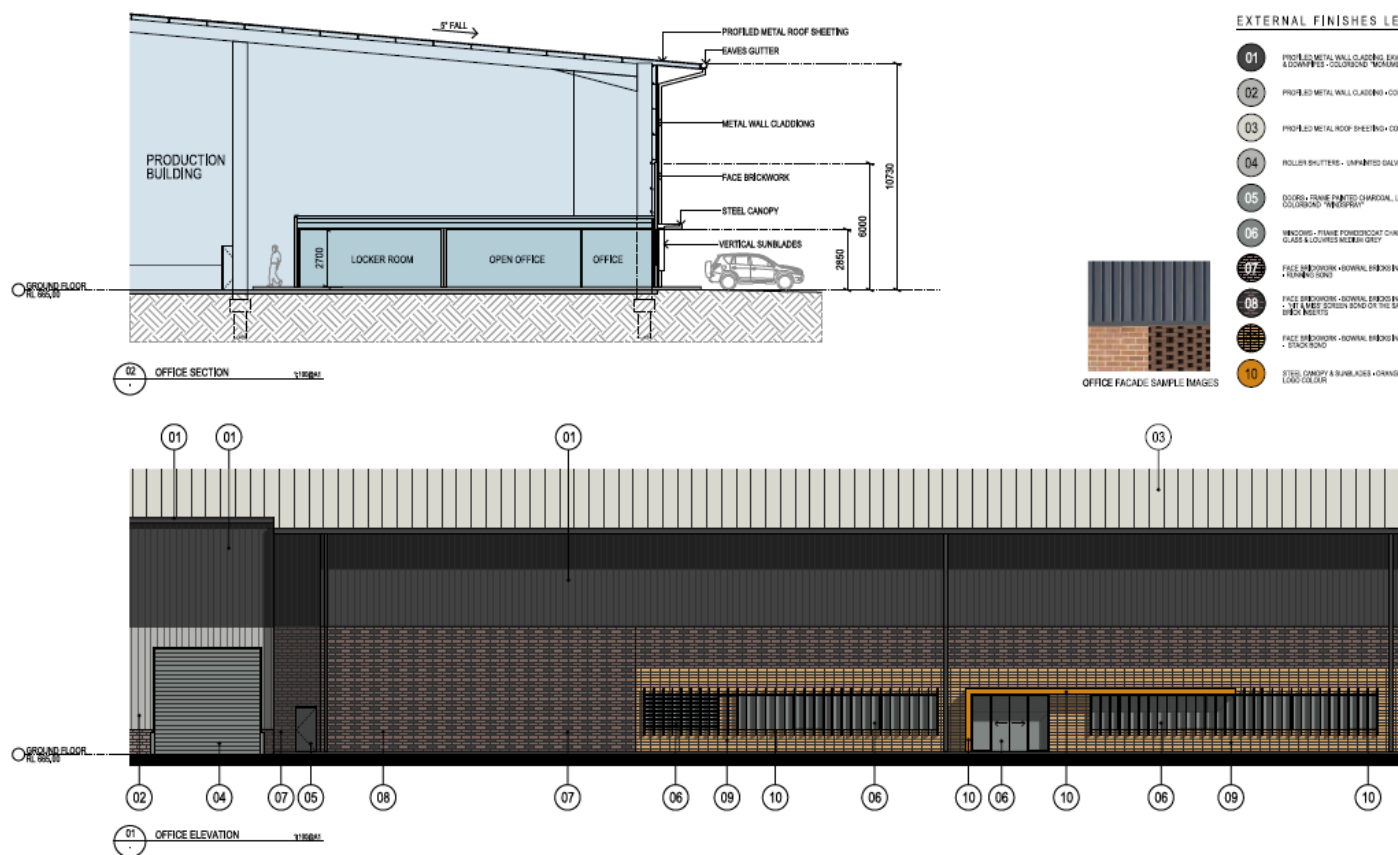


Figure 7: Sections



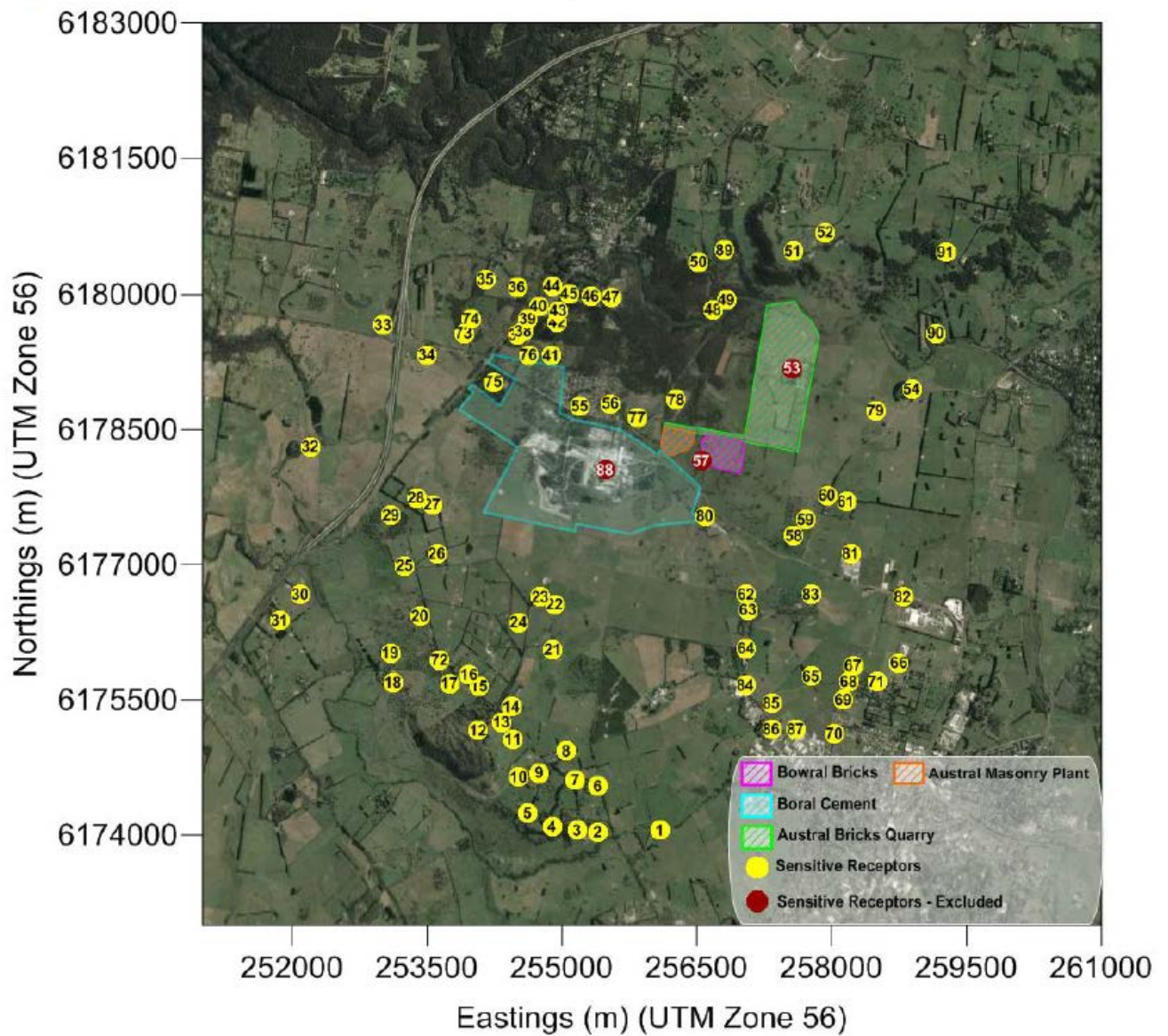
**SBA ARCHITECTS**  
 Suite 112, 80 Berrima Road, Moss Vale NSW 2577  
 02 6921 1000 • 02 6921 1001  
 info@sba.com.au • www.sba.com.au

**PROPOSED NEW BRICK FACTORY**

**BOWRAL BRICKS**  
 416 BERRIMA ROAD, MOSS VALE NSW 2577

**Figure 8: Elevation & Section**

## APPENDIX 2 SENSITIVE RECEIVERS





### APPENDIX 3 ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN SITE 2



#### APPENDIX 4 BIODIVERSITY ECOSYSTEM AND SPECIES CREDITS

**Table 1: Species credits required to be retired – like-for-like**

Impacted species credit species	Number of species credits	IBRA sub-regions from which the credit can be sourced
<b>Callocephalon fimbriatum</b> / Gang-gang Cockatoo	1	Any in NSW
<b>Calyptrorhynchus lathamii</b> / Glossy Black-Cockatoo	1	Any in NSW
<b>Eucalyptus macarthurii</b> / Paddys River Box, Camden Woollybutt	32	Any in NSW



**PART H SUMMARY OF MITIGATION MEASURES**

The Proposed Development is SSD for which an EPL is required to be issued from the NSW EPA.

<b>By:</b>	Brickworks Land and Development
<b>In relation to:</b>	Construction and operation of a 50 million brick per annum brickworks plant with 24-7 operations as State Significant Development.
<b>Site:</b>	416 and 524 Berrima Road, Moss Vale (Lot 1 DP 785111 and Lot 1 DP 414246)

Brickworks Land and Development would undertake the facilitated construction and operation of the proposed Brick Manufacturing Facility in accordance with the following:

Below prescribes some of the terms and abbreviations used in this Statement, including:

<b>Approval</b>	The Minister's approval of the Proposed Development
<b>BCA</b>	Building Code of Australia
<b>Brickworks</b>	Brickworks Land and Development
<b>Council</b>	Wingecarribee Shire Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Project</b>	The Proposed Development as described in this EIS
<b>Secretary General</b>	Secretary General of the Department (or delegate)
<b>Site / Subject Site</b>	Land to which the project application applies
<b>WorkCover</b>	NSW WorkCover

**ADMINISTRATIVE COMMITMENTS****Commitment to Minimise Harm to the Environment**

1. Brickworks would implement all reasonable and feasible measures to prevent and / or minimise any harm to the environment that may result from the construction or operation of the project.

**Occupation Certificate**

2. Brickworks would ensure a staged Interim and Final Occupation Certificate is obtained prior to the occupation of the facilities.

**Terms of Approval**

3. Brickworks would carry out the Project generally in accordance with the:
  - (a) Environmental Impact Statement.
  - (b) Drawings prepared by SBA Architects (2020).
  - (c) Drawings prepared by Geoscapes (2020).
  - (d) Drawings prepared by at&I (2020).
  - (e) Management and Mitigation Measures.
  - (f) Any Conditions of Approval.
4. If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.
5. Brickworks would ensure compliance with any reasonable requirements of the Secretary-General of the Department of Planning, Industry and Environment arising from the Department's assessment of:
  - (a) Any reports, plans, programs, strategies or correspondence that are submitted in accordance with this Approval; and

- (b) The implementation of any recommended actions or measures contained in reports, plans, programs, strategies or correspondence submitted by the Project Team as part of the application for Approval.

#### **Structural Adequacy**

- 6. Brickworks would ensure that all new buildings and structures on the Site are constructed in accordance with the relevant requirements of the BCA.

#### **Operation of Plant and Equipment**

- 7. Brickworks would ensure that all plant and equipment used on the Site is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards.

#### **Construction Traffic Management Plan**

- 8. Brickworks would ensure a Construction Traffic Management Plan is prepared and submitted to DPIE. This plan would:
  - (a) be submitted to the Secretary-General for approval prior to the commencement of construction;
  - (b) describe the traffic volumes and movements to occur during construction;
  - (c) detail proposed measures to minimise the impact of construction traffic on the surrounding network, including driver behaviour and vehicle maintenance; and,
  - (d) detail the procedures to be implemented in the event of a complaint from the public regarding construction traffic.

#### **Contractors Environmental Management Plan**

- 9. Prior to the commencement of construction, a Contractors Environmental Management Plan (CEMP) would be prepared that addresses the following:
  - (a) Land Contamination;
  - (b) Air Quality;
  - (c) Waste Classification;
  - (d) Erosion and Sediment Control; and,

#### **Monitoring of State of Roadways**

- 10. The Applicant should monitor the state of roadways leading to and from the Site and should take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

#### **Waste Receipts**

- 11. A permanent record of receipts for the removal of both liquid and solid waste from the Site should be kept and maintained up to date at all times. Such record is to be made available to authorised person upon request.

### **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**

- 12. The following mitigation measures are outlined in **Table 58** below to minimise dust emissions during construction activities.

Table 57: Construction Dust Mitigation Measures		
Source of Dust	Mitigation Measure	Timing
General	Identify dust-generating activities and inform site personnel about location.	Throughout Construction
	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.	Throughout Construction
Handling of Spoil and Structural Fill Material	Minimise drop height for material handling equipment.	Throughout Construction
Wind Generated Dust from Temporary Stockpiles and Exposed Areas	Apply watering through water trucks or sprinklers.	As Required
	Progressive staging of dust generating activities throughout the day to avoid concurrent dust emissions.	Throughout Construction
	Minimise exposed area if possible.	Throughout Construction
	Minimise amount of temporary material stockpiled if possible.	Throughout Construction
Wheel Generated Dust During Hauling	Restrict vehicle movement to haul routes that are watered regularly.	Throughout Construction
	Cleaning of haul roads.	As Required
	Speed restrictions.	Throughout Construction

### **Biodiversity**

13. The following mitigation measures are recommended to protect biodiversity adjacent to impact areas during construction. In determining the location of the Proposed Development, the design has sought to minimise direct impacts on native vegetation and habitat by:

- Locating the development footprint primarily in areas comprising cleared land, exotic vegetation and planted vegetation;
- Locating the stormwater basin and drainage corridor primarily within exotic vegetation;
- Locating the development footprint in areas that will impact only on the peripherals of scattered patches of native vegetation, comprising PCT 944 and PCT 731 (or planted native trees assigned to this PCT);
- Largely avoiding areas of native vegetation located between the brick factory and the drainage corridor;
- Locating the development footprint outside of Stony Creek;
- Maintaining the drainage design of the existing overland flow characteristics and hydrology to Stony Creek;
- Retaining areas of native vegetation, comprising PCT 944;
- Situating the development footprint to remove the minimal number of trees of the threatened species *Eucalyptus macarthurii* (Camden Woollybutt) possible;
- Avoiding the use of bulk earthworks across the Study Area and limiting the width of batters so as to retain areas of native vegetation; and



- Maintaining stepping-stone habitat within the rural landscape through the retention of trees across the Study Area that primarily comprise the EEC Southern Highlands Shale Woodland consisting nearly entirely of the threatened *Eucalyptus macarthurii* (Camden Woollybutt).

### **Noise**

14. Construction works are proposed to be undertaken during standard construction hours as follows:
  - Monday to Friday, 7am to 6pm;
  - Saturday 8am to 1pm; and
  - No work on Sundays or public holidays.
15. While the operation of the Proposed Development is expected to comply with the relevant noise criteria for nearby sensitive receptors, the following management measures are recommended to mitigate any residual noise impacts:
  - Prohibition of extended periods of on-site revving/idling;
  - Minimisation of the use of truck exhaust brakes on-site;
  - Enforcement of low on-site speed limits;
  - Signs to encourage quiet operations during the night period; and
  - On-site mobile equipment to be maintained in accordance with a preventative maintenance program to ensure optimum performance and early detection of wearing or noisy components; and
  - Replacement of beeping reversing alarms on all vehicles which are regularly used on site (the forklift and front-end loader) with reversing lights or a white noise reversing alarm (squawker).

### **Bushfire**

16.
  - At the commencement of building works and in perpetuity, an APZ would be established and maintained as per **Figure 30** above. The APZ would be established and maintained as an inner protection area as outlined within PBP 2019 and the NSW RFS document '*Standards for Asset Protection Zones*,'
  - Fire hydrants would be provided in accordance with Building Code of Australia E1.3, *AS2419.1:2005 Fire Hydrant Installations*, including the ring main requirements for large isolated buildings; and
  - A static water supply for firefighting purposes would be provided, including a connection for firefighting purposes that provides a 65mm Storz outlet with a ball valve fitted to the outlet.

### **Erosion and Sediment Control Measures**

17. Pre-construction erosion and sediment control measures would include:
  - The civil contractor would prepare a traffic management plan for the Site which ensures efficient vehicle movement whilst minimising potential for sediment generation. This is to include 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 (i.e. Blue Book detail SD6-14) at the designated access points, including traffic rumble grids and washdown areas, to prevent vehicles carrying soils beyond the Site;
  - Installation of a temporary sediment basin would occur before bulk earthworks across the Site begin so that sediment-laden runoff from the works can be captured and treated. This would logically be located in the same position as the future stormwater detention basin. All temporary sediment basins (including overflow

weirs) would be located clear of the 100yr ARI flood event from the Stony Creek riparian corridor;

- Diversion of "clean" water from upstream catchments away from proposed areas of disturbance and discharge via suitable scour protection; and
- All site personnel are to complete an environmental induction covering the operation and maintenance of the erosion and sediment controls.

18. Construction phase erosion and sediment control measures would include:

- Sediment fences (i.e. Blue Book detail SD6-8) to be erected to filter and retain sediments at source. In particular around the base of all soil stockpiles and at the base of the perimeter batter to prevent sediment-laden stormwater from flowing into the Stony Creek riparian zone;
- Regular dust suppression on exposed areas by water truck or use of chemical dust suppressant;
- Rapid stabilisation of disturbed and exposed ground surfaces with hydro seeding in areas where imminent construction and building works are not proposed;
- Diversion of sediment-laden water into temporary sediment control basins for settling and flocculation (if required), including provision of catch drains which may need to be moved/alterd numerous times to suit construction sequencing;
- Regular inspections as soon as practicable after storm events to check and maintain controls;
- Sediment to be removed from fences when controls are 40% full and at the completion of construction. All material to be re-used or stored on-site in a controlled manner or taken off-site for re-use or disposal at a licensed waste disposal facility;
- Filter rolls or geotextile inlet filters (e.g. Blue Book SD6-11&6-12) to be installed around all new stormwater inlet gullies;
- Monitoring of water quality to determine the effectiveness of the sediment and erosion control management practices; and
- The sediment basin would not be converted into its ultimate detention basin form until such time as all building and construction works have been completed and 90% of the Site is stabilised.

### **Geomorphology**

19. HPG outline the following recommendations to implement to reduce any potential impacts with regard to flow exiting the proposed diversion channel:

- A flow spreading structure at least 20 m wide should be constructed at the downstream end of the proposed diversion channel. This should be designed to reduce the exiting flow concentration, making the flow wide and shallow so that it flows overland down the slope of the flood plain and down at least two (2) of the existing flood chutes.
- The east bank flood plain overland flow area downstream from the diversion channel exit should be planted with closely-spaced, low-growing native plants such as *Lomandra longifolia* (spiny-head mat-rush).
- The diversion channel and the area downstream from its end should be monitored by inspection for erosion and sedimentation after each high flow event.

### **Contamination**

20. A RAP is required to manage ACM present on-site and to further mitigate any potential risks to current and future on-site and offsite receptors.

### **Access and Transport**

21. 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 (Berrima Road / Taylor Avenue) and the Site.
  - (b) Scheduling of deliveries outside of the commuter peak.
  - (c) Appropriate approvals for any oversized vehicle deliveries.
  - (d) The use of Berrima Road as the designated construction vehicle route.

### **Waste Management**

22. Waste-type-specific reduction measures will be employed during the proposed construction stage, with the following specific procedures:
- Applying practical building designs and construction techniques;
  - Appropriate sorting and segregation of demolition and construction wastes to ensure efficient recycling of wastes;
  - Selecting construction materials taking into consideration to their long lifespan and potential for reuse;
  - Ordering materials to size and ordering pre-cut and prefabricated materials;
  - Reuse of formwork (where possible);
  - Planned work staging;
  - Reducing packaging waste on-site 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;
  - Careful on-site storage and source separation;
  - Subcontractors informed of site waste management procedures; and
  - Coordination and sequencing of various trades.
23. Waste-type-specific reduction measures will be employed during the proposed operational phase, which includes the following specific procedures:
- Provision of take back services to clients to reduce waste further along the supply chain;
  - Re-work/re-packaging of products prior to local distribution to reduce waste arising;
  - Review of packaging design to reduce waste but maintain 'fit for purpose';
  - Investigating leased office equipment and machinery rather than purchase and disposal;
  - Establish systems with in-house and with supply chain stakeholders to transport products in re-useable packaging where possible;
  - Development of 'buy recycled' purchasing policy;
  - Flatten or bale cardboard to reduce number of bin lifts required; and
  - Providing recycling collections within each of the offices and tearooms (e.g. plastics, cans and glass).

### **Fire Engineering**

24. A *Fire Engineering Strategy* would be prepared for the Site in accordance with the relevant performance solutions outlined in **Table 59**.



Table 58: Fire Safety Systems		
Fire Safety Measure	DtS Requirement	Proposed Design / Performance Solution
Fire Hydrants	AS2419.1:2005	Installation to include ring main. Where internal hydrants are required, FRNSW progressive coverage required (50m / 25m) to be incorporated
Fire Hose Reels – FRHs not required in Class 5 Office	AS2441:2005	To be provided as per DtS requirements
Fire Sprinklers	E1.5, AS2118.1:2017	No sprinklers (Performance Solution)
Portable Fire Extinguishers	AS2444:2001	To be provided as per DtS requirements
Smoke Hazard Management	Specification E2.2b	No exhaust (Performance Solution)
Fire Control Centre	E1.8, FCC required as floor area >18, 000 m <sup>2</sup>	FIP at office main entrance, AS1670.1:2018
Fire Detection	Spec E2.2a, AS1670.1:2018	<ul style="list-style-type: none"> <li>Linear heat detection cable throughout Production Building (Section 4.2 of AS1670.1:2018)</li> <li>Smoke detectors shall be provided to the Office</li> <li>Manual Call Points shall be provided at major exits and production control locations (TBC)</li> </ul>
Building Occupant Warning System, Activated by the Fire Sprinkler System	BCA spec E1.5 and Clause 3.22 AS1670.1:2018	To be provided.
Exit Signage	AS2293.1:2018	To be provided.
Emergency Lighting	AS2293.1:2018	To be provided.

## Visual

25. Landscaping would be utilised 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 EEC vegetation grouping.

## Aboriginal Heritage

- 26.

## Recommendation 1: Conservation of Part of AHIMS 52-4-0196 (Stoney Creek 1)

Stoney Creek 1 (AHIMS 52-4-0196) was relocated during the survey and the test excavations within Site 2 identified a moderate density, intact subsurface archaeological deposit within a slightly elevated terrace landform associated within the grinding grooves.

The grinding grooves and subsurface artefact scatter are outside of the Proposed Development footprint and will not be impacted. Notwithstanding, the grinding grooves should be protected with a buffer and fencing.

### **Recommendation 2: Aboriginal Cultural Heritage Management Plan**

The current Aboriginal Cultural Heritage Management Plan (ACHMP) should be updated pursuant to consultation with the RAPs and EES to include the proposed Site 2 study area. The ACHMP will facilitate the implementation of the management and mitigation strategies for all 14 sites located within the study area by clearly outlining Aboriginal site management requirements including the management of unexpected finds.

### **Recommendation 3: Continued Consultation with the Registered Aboriginal Parties**

The Proponent should continue to inform the RAPs about the management of Aboriginal Cultural Heritage sites within the study area throughout the life of the project. Biosis confirm that the final report will be sent to the RAPs, EES and the AHIMS Register for further review.

### **Historic Heritage**

27.

### **Recommendation 1: No Further Historical Heritage Assessment Required**

The assessment undertaken by Biosis has identified no items of heritage significance or archaeological potential within the study area. As such, no further historical heritage assessment is required. Should unanticipated relics be discovered during ground disturbance, an unexpected finds procedure should be implemented as outlined in Recommendation 2 below.

### **Recommendation 2: Unexpected Archaeological Items**

Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic. It is noted, that relics are historical archaeological resources of Local or State significance are protected in NSW under the *Heritage Act 1977* (Heritage Act). Relics cannot be disturbed except with a permit (Section 140 Application) or exception notification (Section 139).

## **APPENDIX 6      INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website 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.

### **INCIDENT REPORT REQUIREMENTS**

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.