



Independent Environmental Audit:
New Berrima Clay/Shale Quarry
Project Approval 08_0212



Audit Reference:	AQ1281
Audit Organisation:	The Austral Brick Company Pty Limited
Auditors:	James Hart, Lead Auditor, AQUAS
Date of Audit:	18 August 2020
Draft Report Submitted:	22 September 2020
Final Report Submitted:	September 2020

Distribution and Authorisation Record

Sydney

61 2 9963 9908

Level 7

116 Miller Street

North Sydney NSW 2060

Newcastle

61 2 4928 7600

Level 2

426 King Street

Newcastle NSW 2300

No reproduction of this document or any part thereof is permitted without prior written permission of AQUAS Pty Limited.

This report has been prepared and reviewed in accordance with our quality control system. The report is a preliminary draft unless it is signed below.

This report has been prepared by: James Hart

Date 14 /10/2020

This report has been distributed to:

Cassandra Steppacher - cassandra.steppacher@brickworks.com.au

© Copyright AQUAS Pty Ltd
ABN: 40 050 539 010

All rights reserved. No material may be reproduced without prior permission.

While we have tried to ensure the accuracy of the information in this publication, the Publisher accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

AQUAS Pty Ltd
www.aquas.com.au

Independent Audit Certification Form

Development Name	New Berrima Clay/Shale Quarry
Development Consent No.	08_0212
Description of Development	Clay/Shale Quarry
Development Address	524 Berrima Road, New Berrima NSW
Operator	The Austral Brick Company Pty Limited
Operator Address	2 to 10 Old Wallgrove Road, Horsley Park NSW 2175
Title of Audit	New Berrima Clay/Shale Quarry – Independent Environmental Audit – August 2020

I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:

- The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2018 and Post Approval Guidelines – Independent Audits;
- The findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;
- I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);
- Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Note.

a) The Independent Audit is an 'environmental audit' for the purposes of section 122B (2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.

b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).

Signature

A handwritten signature in blue ink that reads "James Hart".

Name of Lead or Principal Auditor

James Hart

Address

426 King Street Newcastle

Email Address

James.hart@aquas.com.au

Auditor Certification

Exemplar Global Lead Environmental Auditor No 12107

Date

2020

1	INTRODUCTION	6
1.1	Overview	6
1.2	Audit Objectives	6
1.3	Audit Scope and Criteria	6
2	Methodology	7
2.1	Audit Team	7
2.2	Approvals and Documents Audited	7
2.3	Agency and Community Consultation	8
2.4	Name and Position of Persons Interviewed	9
2.5	Audit Process	9
2.6	Audit Compliance Definitions	10
2.7	Issues to be considered in reviewing this report	10
3	AUDIT FINDINGS	10
3.1	Overview	10
3.2	Previous Audit Findings	11
3.3	Project Approval 08-0212 (July 2017 Modification)	11
3.4	Environment Protection Licence (EPL 20377)	12
3.5	Air Quality Management Plan	12
3.6	Water Management Plan	12
3.7	Landscape Management Plan	12
3.8	Noise Management Plan	13
3.9	Transport Management Plan	13
3.10	Environmental Management Strategy	13
3.11	Incidents and Complaints	13
3.12	Areas of Non-compliance	13
3.13	Areas of compliance	13
4	CONCLUSIONS	14
5	Substantive Changes.	15
	Appendices	
	Appendix A. - Previous Audit Findings	16
	Appendix B. – Auditor Approval	18
	Appendix C. – Audit Tables	20
6	Audit Checklist –Project Approval 08_0212 Mod 2	21
7	Audit Checklist – Environmental Protection Licence 20377	57
	Appendix D. Consultation Records	64

Abbreviations

AQMP	Air Quality Management Plan
BMP	Blasting Management Plan
DPIE	Department of Planning Industry and Environment
EMS	Environmental Management Strategy
EPA	Environment Protection Authority
EPL	Environment Protection Licence
IEA	Independent Environmental Audit
LMP	Landscape Management Plan
NMP	Noise Management Plan
NRAR	National Resource Access Regulator
PA	Project Approval
PIRMP	Pollution Incident Response Management Plan
POEO	Protection of the Environment Operations
RMS	Roads and Maritime Services
TMP	Transport Management Plan
WMP	Water Management Plan

1 INTRODUCTION

1.1 Overview

The Austral Brick Company Pty Limited (Austral Bricks) operates the New Berrima Clay/Shale Quarry, located approximately 1.5km east of New Berrima in the Southern Highlands region of New South Wales. Project Approval 08_0212 was granted on 6 July 2012 and modified on 26 November 2015 and 6 July 2017. Whilst Project Approval 08_0212 has been physically commenced, to date, construction and operational activities have not yet commenced.

The Conditions of Approval require Austral Bricks to appoint an independent auditor to assess compliance with the Minister's Conditions of Approval obtained for the quarry operations.

Schedule 5, condition 9 of the approval requires:

Within a year of the commencement of development on site under this approval, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent must commission, commence and pay the full cost of an Independent Environmental Audit of the project. This audit must:

- a. be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;*
- b. include consultation with the relevant agencies;*
- c. assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval and any relevant EPL and/or Water License (including any assessment, plan or program required under these approvals);*
- d. review the adequacy of any approved strategy, plan or program required under these approvals;*
- e. recommend measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under these approvals; and*
- f. be conducted and reported to the satisfaction of the Secretary.*

1.2 Audit Objectives

The objective of this Independent Environmental Audit was to assess the operations at the New Berrima Clay/Shale Quarry and provide a report in accordance with the requirements of Schedule 5, condition 9 of the development approval.

1.3 Audit Scope and Criteria

The scope of this audit was limited to the Quarry Site, at 524 Berrima Road, New Berrima NSW, and the activities and processes carried out by Austral Bricks in operating the quarry. The audit is the second for the project and covered the period since the previous audit which was conducted in August 2017.

The audit scope included:

- the Conditions of Approval 08_0212 MOD 2;
- Environment Protection Licence 20377;
- management plan requirements;
- the requirements of relevant regulatory agencies;
- the status of the operation;

- the performance of the operation;
- results from previous audits;
- any incidents or community complaints;
- feedback received from other regulatory agencies on the performance of the operation; and
- feedback received from the community / community consultative committee on the performance of the operation.

The audit criteria were developed by the Lead Auditor, and are included as a checklist at the end of this report.

2 Methodology

The audit methodology included a review of approval conditions and key management plans prepared for the quarry operations, interviews with project personnel, and a site inspection to assess the level of compliance with and implementation of those requirements.

2.1 Audit Team

The audit was conducted by the following:

Auditor	Role	Qualifications and Experience
James Hart	Lead Environmental Auditor Exemplar Global No 12105	See attached CV

James Hart was endorsed by the Secretary of the Department of Planning, Industry and Environment on 27 July 2020.

2.2 Approvals and Documents Audited

The following documents and approvals were reviewed and included within the audit:

- Project Approval – 08_212 (July 2017 Modification);
- Air Quality Management Plan – New Berrima Quarry, Version 2.1, approved 28/09/2018;
- Noise Management Plan – New Berrima Quarry, Version 2.1, approved 28/09/2018;
- Transport Management Plan – New Berrima Quarry, Version 2.1, approved 28/09/2018;
- Water Management Plan – New Berrima Quarry, 9 June 2016;
- Landscape Management Plan – New Berrima Quarry, Version 2.1, approved 28/09/2018;
- Aboriginal Heritage Management Plan – New Berrima Quarry, Version 2.3, approved 9/11/2018;
- Environmental Management Strategy – New Berrima Quarry, Version 2.1, approved 28/09/2018;
- Pollution Incident Response Management Plan for Austral Bricks, NSW,
- Environment Protection Licence No 20377, NSW EPA, 1/08/2016;
- New Berrima Quarry Annual Review, 1 January 2017 to 31 December 2018;
- New Berrima Quarry Annual Review, 1 January 2018 to 31 December 2018;
- New Berrima Quarry Annual Review, 1 January 2019 to 31 December 2019;
- Independent Environmental Audit – New Berrima Quarry Project, Rev 1, August 2017;
- Independent Environmental Audit – New Berrima Quarry Project Response and Action Plan;
- Dust monitoring data August 2017 to June 2020;
- Water Quality Monitoring Data. August 2017 to June 2020;

- Waste Records – August 2017 to July 2020; and
- New Berrima Quarry Complaints Register, August 2017 to July 2020.

2.3 Agency and Community Consultation

The following people were consulted with prior to the audit to obtain feedback and to focus the audit criteria towards key issues.

Refer to **Appendix C** for consultation records provided.

Contact	Agency	Comments
Lauren Evans Team Leader Energy, Resources & Compliance Planning and Assessment	Department of Planning, Industry and Environment	No specific concerns or issues
Ellie Randall Water Regulation Officer Natural Resources Access Regulator Water Regulation (East)	Department of Primary Industries	In regards to the audit, NRAR would like to see the following items reviewed: <ol style="list-style-type: none"> 1. Review of the development consent and compare to relevant management plans (Water/Groundwater Management Plans) 2. Review of Annual Reviews/Annual Return 3. Review of Water Access Licences, Entitlements and compare to use. 4. Review of any incidents and reporting (i.e. was NRAR notified).
Craig Patterson Senior Operations Officer – Regulatory Operations	NSW Environment Protection Authority	<ul style="list-style-type: none"> • During the first two licence reporting periods (2016/2017 and 2017/2018) the licensee reported several non-compliances with EPL Monitoring Condition M2.2 (dust deposition monitoring). • Pollution monitoring data is required to be published on the licensee's website in accordance with Section 66(6) of the Act. • All holders of environment protection licences are required to prepare a Pollution Incident Response Monitoring Plan (PIRMP) in accordance with section 153A of the POEO Act. The licence requires the licensee to maintain a register of complaints it receives in relation to the premises. The licensee has not reported receiving any complaints since August 2016. • The licence requires the licensee or its employees to notify all relevant

		<p>authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act. The licensee has not reported any incidents since August 2016.</p> <ul style="list-style-type: none"> the licensee's website also contains information that should be considered as part of the audit. This includes: <ul style="list-style-type: none"> The previous IEA report which include identified non-compliances and proposed recommendations Annual Review reports, and Community Consultative Committee meeting notes.
Don Elder Chairperson - Community consultative Committee	Community consultative Committee	No issues or concerns

2.4 Name and Position of Persons Interviewed

The following site personnel were interviewed during the conduct of the audit:

Name	Position/Role	Organisation	Date of Interview
Cassandra Steppacher	Environment Manager	Brickworks Limited	13/08/2020
Peter Young-Whitford	Raw Materials & Mining Manager	Austral Bricks	13/08/2020
Matthew Wall	Raw Material and Mining Supervisor	Austral Bricks	13/08/2020

2.5 Audit Process

The audit commenced with an Opening Meeting to confirm the scope, purpose, and timeline of the audit. The Opening Meeting was held at 09.00am on 13 August 2020 via videoconference. Following the opening meeting, a review of documentation was conducted to verify implementation of the conditions of approval.

The site component of the audit was conducted on 18 August 2020, in the Quarry site office, which included follow up on outstanding issues from the initial videoconference audit, an inspection of roads and bridge structures and inspection of the project area monitoring locations. Quarry operations had not commenced at the time of the audit.

Key operational documents were reviewed, and evidence of compliance was sought through the interview process. Key documents were the various management plans required under the approval. Documentation included a combination of hard copy records and electronic records maintained by

Austral Bricks, with records generally available during the audit. Additional records were provided subsequent to the onsite audit.

A closing meeting was held at 12.30pm on 18 August 2020 where the preliminary audit findings were presented.

2.6 Audit Compliance Definitions

Audit compliance status descriptors were in accordance with the Independent Audit – Post Approval Requirements 2018.

Compliant	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit
Non-compliant	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.
Not triggered	A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore a determination of compliance could not be made.

2.7 Issues to be considered in reviewing this report

This audit was based on a review of compliance with the approval conditions for the operation of the New Berrima Clay/Shale Quarry.

In particular, the audit focused on the implementation of measures described in the various Environmental Management Plans to manage the impacts of the activities on the surrounding environment. The checklist appended to this report identifies those compliance issues that could be assessed given the stage of the project.

By its very nature an audit does not guarantee full compliance of all aspects of the project with the undertakings of the Management Plans and associated documentation. However; in the opinion of the auditor, the extent and scope of the field inspection together with the records maintained by Austral Bricks were sufficient evidence to verify general compliance of the activities with the requirements of the conditions of approval.

3 AUDIT FINDINGS

3.1 Overview

No works were being conducted at the time of the audit.

The attached checklists record the outcomes of the audit process. Two non-compliances were identified where compliance with the conditions of consent, EPL, or management plans could not be verified. The following sections summarise key findings for review and action by Austral Bricks as appropriate.

3.2 Previous Audit Findings

Previous audit findings were reviewed as part of the current audit to assess implementation of actions identified to address issues. Information available showed previous recommendations had been addressed. A summary of previous findings and status is provided in Appendix A.

A Show Cause notice was issued on 8 December 2017 following submission of the previous independent audit report for non-compliance with the following:

- Condition 2A of Schedule 2, Conditions 34 and 35 of Schedule 3 and the Landscape Management Plan; and
- Condition 3 of Schedule 3 Air Quality Management Plan.

A response to the show cause notice was provided by Austral Bricks on 19 January 2018. On 6 February 2018, DPE advised that the department had finalised their investigation and formed the view that, whilst Austral Bricks has technically breached the conditions of the approval, no further enforcement actions will be taken.

3.3 Project Approval 08-0212 (July 2017 Modification)

Schedule 2 – Administrative Conditions

The site had implemented processes to generally manage compliance with the administrative control requirements of the conditions of consent.

One non-compliance was identified in relation to administrative controls. One other non-compliance was identified in relation to conditions of approval in Schedule 5, which therefore triggers a non-compliance with Condition 2A.

Schedule 3 – Environmental Performance Conditions

All of the required management plans had been developed and provided to DPIE for review and approval.

Austral Bricks has monitored dust deposition, water quality and collected meteorological data for the site for the period covered by this audit. As quarrying operations are yet to commence, this monitoring provides background monitoring data for the site.

No non-compliances were raised in relation to environmental performance conditions.

Schedule 4 – Additional Procedures

The site was compliant with the conditions of Schedule 4. No instances occurred where landowners were required to be notified of an exceedance, and no request for an independent review had been received.

Schedule 5 – Environmental Management, Reporting and Auditing

Processes had been implemented to comply with environmental management requirements. An Environmental Management Strategy had been documented and implemented, management plans prepared, and an annual review process implemented.

One non-compliance was raised in relation to Schedule 5 requirements.

- Condition 5-9A. The previous audit report had not been submitted to DPIE with 12 weeks of commencing of the audit. The audit report was submitted with 3 months (13 weeks) as required by Condition 5-10.

It is noted that Schedule 5 Condition 10 requires the audit be submitted within 3 months of commissioning the audit with Condition 9A requiring submission within 12 weeks of commencement. Condition 9A was added on 6 July 2017.

3.4 Environment Protection Licence (EPL 20377)

An EPL had been issued for the operations, which places requirements on the site for the management of air, noise, water, and complaints. The site had complied with requirements for monitoring of noise, blasting, and surface water, and complaints management and reporting processes have been implemented and met.

A Pollution Incident Response Management Plan (PIRMP) has been prepared in accordance with the requirements of the EPL. Pollution incident response scenarios had been identified, and records were available to show that persons on site had been trained in scenarios. It was noted that quarry management had a detailed knowledge of pollution incident response procedures.

No non-compliances were identified in relation to EPL requirements.

3.5 Air Quality Management Plan

An Air Quality Management Plan (AQMP) had been prepared for the project. The AQMP had been updated following issue of the July 2017 project approval modification and the previous audit report, and approved by DPIE on 28 September 2018. The AQMP included measures to minimise and monitor air quality impacts of the site's operations and requirements for air quality monitoring.

Air quality monitoring has been conducted in accordance with the requirements of the AQMP, although no quarrying activities have been conducted.

No non-compliances with the requirements of the AQMP were identified.

3.6 Water Management Plan

The Water Management Plan (WMP) has been updated to comply with the requirements of Conditions of Consent MOD 1. The WMP was submitted to and approved by DPIE (approved 9/06/2016).

An updated WMP has been prepared and issued for review and comment (V2.1, 31/01/2018). Continued consultation on the WMP with relevant agencies had occurred, with the WMP being updated to address various agency comments. A draft (V 2.5, 10/07/2020) was issued to DPIE on 10/07/2020 for approval.

Records were available to demonstrate that water monitoring had been conducted in compliance with the requirements of the consent conditions and EPL. As no quarrying operations have occurred, the monitoring provides background data for the project site.

No non-compliances with the requirements of the WMP were identified.

3.7 Landscape Management Plan

A Landscape Management Plan (LMP) had been prepared for the project. The LMP had been updated following issue of the July 2017 project approval modification and the previous audit report, and approved by DPIE on 28 September 2018.

No non-compliances with the requirements of the LMP were identified.

3.8 Noise Management Plan

A Noise Management Plan (NMP) had been prepared for the project. The NMP had been updated following issue of the July 2017 project approval modification and the previous audit report, and approved by DPIE on 28 September 2018.

No quarrying operations have been conducted, hence noise monitoring has not been required for the site.

No non-compliances with the requirements of the NMP were identified.

3.9 Transport Management Plan

A Transport Management Plan (TMP) had been prepared for the project. The TMP had been updated following issue of the July 2017 project approval modification and the previous audit report, and approved by DPIE on 28 September 2018. The TMP includes a driver's code of conduct and transport routes for drivers.

No transport of material from the quarry has occurred.

No non-compliances with the requirements of the TMP were identified.

3.10 Environmental Management Strategy

An Environmental Management Strategy (EMS) had been prepared for the project. The EMS had been updated following issue of the July 2017 project approval modification and the previous audit report, and approved by DPIE on 28 September 2018.

No non-compliances were identified in regard to implementation of the EMS.

3.11 Incidents and Complaints

No incidents have been recorded or complaints received since the previous audit of the project.

3.12 Areas of Non-compliance

Issue No.	Condition	Requirement	Issue sighted and Recommendation
01	Schedule 2 2A	The Applicant must carry out the development in accordance with the conditions of this consent.	The site was not compliant with the requirements of Schedule 5-9A. As such, the site was considered non-compliant with Condition Schedule 2-2A.
02	Schedule 5 9A	Within 12 weeks of commencing each audit, unless the Secretary agrees otherwise, the Proponent must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of any measures proposed to address the recommendations.	<p>The previous audit was conducted 1 August 2017 and the report provided to DPI&E 30/10/2020 (3 months / 13 weeks).</p> <p>Recommendation Austral Bricks should ensure that the Independent Audit Reports are submitted within 12 weeks of commencement of each audit.</p>

3.13 Areas of compliance

All other relevant conditions audited were found to be either compliant or not triggered. Refer to the audit checklist provided as an attachment for full details of compliance.

4 CONCLUSIONS

Austral Bricks had developed and generally implemented management plans and associated documentation to address the requirements of the conditions of consent.

While compliance with aspects of the conditions of the project approval and management plans was found, two non-compliances were raised where compliance with requirements of the project approval was not demonstrated. No non-compliances were identified with the EPL.

Austral Bricks should ensure that actions are identified and implemented to address the findings contained within this audit to enable compliance with all obligations and ensure environmental impacts of the developments are appropriately managed.

ATTACHMENTS

- ✓ **Substantive Changes**

CIRCULATION

- ✓ **Austral Bricks**
- ✓ **AQUAS Pty Ltd**

5 Substantive Changes.

No substantive changes were made to the audit report as a result of review of the draft audit report.

Appendix A. - *Previous Audit Findings*

Recommendation	Austral Bricks Response	Status
It is recommended that the environmental management plans be reviewed and the management measures and monitoring programs revised if necessary to address implementation matters and accommodate the delayed commencement of works on the Quarry site.	<p>The six environmental management plans and Environmental Management Strategy (EMS) required by PA 08_0212 are to be reviewed in light of the:</p> <ul style="list-style-type: none"> • 2017 Independent Environmental Audit; • 2016 Annual Review and associated DPE comments; and • Modification 2 of PA 08_0212. 	<p>AQMP, EMS, NMP, TMP, LMP updated and submitted for review 10/11/2017. Approved 28/09/2018.</p> <p>AHMP Updated and submitted for review 21/09/2019. Approved 9/11/18.</p> <p>WMP Updated and submitted for review 31/01/2018. 4 updates following review by agencies. WMP Rev 2.5 submitted to DPIE for approval 10/07/2020.</p> <p>Closed</p>
It is recommended that the environmental monitoring programs be reviewed and time for commencement and the frequency of monitoring be revised if necessary to meet the delayed commencement of works on the Quarry site, resulting from the timeframe change resulting from the requirement for the bridge works over Stony Creek (Project Approval 08_0212 MOD 2).	Update relevant monitoring program components within the management plans.	<p>Dust deposition gauge bottles had been collected on a monthly basis for the period covered by this audit (August 2017 – August 2020).</p> <p>Closed</p>
Ensure dust deposition gauge bottle collection and analysis conforms with the monthly monitoring regime in the Air Quality Management Plan section 11.6 and AS 3580.10.1-2003.	<p>Designation of alternative Austral personnel to complete collection and changeover of dust deposition gauge bottles.</p> <p>Primary collector – Compliance & Environmental Coordinator.</p> <p>Secondary collector – Raw Materials & Mining Manager.</p>	<p>Monthly sampling of surface water commenced on 31 May 2017.</p> <p>Monthly water quality monitoring has been conducted in accordance with the requirements of the Water Management Plan.</p> <p>Closed</p>
Progressive rehabilitation had not been implemented on the topsoil stockpiles in the area of the Central Visibility Barrier at the date of this audit and it is recommended that the implementation of Statement of Commitment occur to address the requirements of Project Approval 08_0212 Schedule 3 condition 34 and 35.	<p>The soil stockpiles have naturally regenerated with no further action required however future soil stockpiles will be seeded as they are formed.</p> <p>Include requirement to seed long-term soil stockpiles in future contractual agreements with earthmoving contractor.</p>	<p>Stockpiles were inspected during the site inspection on 18/08/2020 where it was noted that Stockpiles had a vegetation covering.</p> <p>Closed</p>

Appendix B. – Auditor Approval



Planning,
Industry &
Environment

Miss Cassandra Steppacher
Environmental Manager NSW
738-780 Wallgrove Road
HORSLEY PARK, NSW 2175
DUNMORE NSW 2529

27/07/2020

Dear Miss Steppacher

**New Berrima Shale Quarry (MP 08_0212)
Independent Environmental Audit 2020**

I refer to your letter of 13 July 2020 seeking approval of Mr James Hart of AQUAS as the lead auditor for the upcoming Independent Environmental Audit of New Berrima Shale Quarry (the project), in accordance with Schedule 5, Condition 9 of project approval MP 08_0212, as modified (the approval).

Having considered the qualifications and experience of Mr Hart, the Secretary endorses the appointment of Mr Hart to undertake the audit in accordance with Schedule 5, Condition 9 of the approval. This approval is conditional on Mr Hart being independent of the project.

The audit is to be conducted in accordance with AS/NZS ISO 19011 Australian/New Zealand Standard: Guidelines for quality and/or environmental management systems auditing and you may wish to consider the Independent Audit Guideline dated October 2015. A copy of this guideline can be located at <http://planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/Integrated-Mining-Policy>.

The audit report is to include the following:

1. consultation with the relevant agencies;
2. a compliance table indicating the compliance status of each condition of approval and any relevant EPL;
3. not use the term "partial compliance";
4. recommend actions in response to non-compliances;
5. review the adequacy of plans and programs required under this consent; and
6. identify opportunities for improved environmental management and performance.

Within 12 weeks of commencing this audit, Austral Brick is to submit a copy of the audit report to the Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report and a timetable to implement the recommendations. Prior to submitting the audit report to the Secretary, it is recommended that Austral Brick review the report to ensure it complies with the relevant consent condition.

Appendix C. – Audit Tables

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

6 Audit Checklist –Project Approval 08_0212 Mod 2


AQUAS Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
SCHEDULE 2 – Administrative Controls					
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT					
1.	1	In addition to meeting the specific performance criteria established under this approval, the Proponent must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the project.	No material harm has occurred as a result of the project.	Compliant	
TERMS OF APPROVAL					
2.	2	The Proponent must carry out the project generally in accordance with the: (a) EA (b) EA (MOD 1); and (c) EA (MOD 2)	The project has been carried out in general accordance with the EA, EA MOD1 and EA MOD2. Quarrying operations were yet to commence.	Compliant	
3.	2A	The Proponent must carry out the project in accordance with the Project Plans, statement of commitments, and the conditions of this consent. <i>Notes:</i> <i>a) The Project Plans are shown in APPENDIX A; and</i> <i>b) The statement of commitments is reproduced in APPENDIX B.</i>	One non-compliance was identified with the conditions of approval (Schedule 5-9A),	Not Compliant	01
4.	3	If there is any inconsistency between the documents in condition 2, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.		Not triggered.	

AQUAS Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
5.	4	<p>The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:</p> <ul style="list-style-type: none"> (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval; and (b) the implementation of any actions or measures contained in these documents. 	Management plans have been updated to address comments from DPI&E.	Compliant	
LIMITS ON APPROVAL					
Quarrying Operations					
6.	5	<p>The Proponent may carry out quarrying operations on the site until 31 December 2045.</p> <p><i>Note: Under this approval, the Proponent is required to rehabilitate the site and carry out additional undertakings to the satisfaction of the Secretary or DRG. Consequently, this approval will continue to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard.</i></p>	Current date 18/08/2020.	Compliant	
Extractive Material Extraction					
7.	6	<p>The Proponent must not carry out any development in the extraction area below a level of 640 m AHD.</p> <p><i>Note: This condition does not apply to the construction of any bores approved by DPI - Water or pollution and sediment control structures described in the EA or EA (MOD 1).</i></p>	Extractive operations yet to commence	Not Triggered	
8.	7	The Proponent must not extract more than 150,000 tonnes of extractive materials from the site in any calendar year.	Extractive operations yet to commence	Not Triggered	

AQUAS Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
Extractive Material Transport					
9.	8	The Proponent must not transport more than: (a) 150,000 tonnes of product from the site in any calendar year; (b) 68 laden trucks from the site in a day; and (c) 8 laden trucks from the site in an hour.	Extractive operations yet to commence	Not Triggered	
10.	9	The Proponent must only transport extractive material on the haul route.	Extractive operations yet to commence	Not Triggered	
STRUCTURAL ADEQUACY					
11.	10	The Proponent must 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. <i>Notes:</i> <ul style="list-style-type: none"> 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. 	No buildings have been constructed	Not Triggered	
DEMOLITION					
12.	11	The Proponent must ensure that all demolition work on site is carried out in accordance with AS 2601-2001: <i>The Demolition of Structures</i> , or its latest version.	No demolition has been undertaken	Not Triggered	

AQUAS Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
PROTECTION OF PUBLIC INFRASTRUCTURE					
13.	12	The Proponent must: <ul style="list-style-type: none"> (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. 	No repairs or relocation of services has been required at this stage of the project.	Not Triggered	
OPERATION OF PLANT AND EQUIPMENT					
14.	13	The Proponent must ensure that all plant and equipment used at the site is: <ul style="list-style-type: none"> (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner. 	No equipment used on site.	Not Triggered	

AQUAS Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM					
15.	14	<p>With the approval of the Secretary, the Proponent may submit any strategy, plan or program required by this approval on a progressive basis.</p> <p>Notes:</p> <ul style="list-style-type: none"> While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program. 	All plans have been submitted for approval.	Compliant	
PRODUCTION DATA					
16.	15	<p>The Proponent must:</p> <p>(a) provide annual quarry production data to DRG using the standard form for that purpose; and</p> <p>(b) include a copy of this data in the Annual Review (see condition 4 of schedule 5).</p>	Extractive operations yet to commence.	Not Triggered	

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
SCHEDULE 3 – ENVIRONMENTAL PERFORMANCE CONDITIONS					
IDENTIFICATION OF BOUNDARIES					
17.	1	<p>Prior to carrying out any development on site under this approval, the Proponent must:</p> <ul style="list-style-type: none"> (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction; and (b) submit a survey plan of these boundaries to the Secretary. 	<p>Verified previous audit. Boundary of the approved limits of extraction have been surveyed and marked out. Reported that the area will be resurveyed and marked due to cows damaging survey markers.</p> 	Compliant	
18.	2	During the project, the Proponent must ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify the limits of extraction.	Boundaries are marked with star pickets covered with PVC pipe.	Compliant	
NOISE					
Bund Construction					
19.	3	The Proponent must construct the Visibility Barriers prior to carrying out any quarrying operations on site under this approval to the satisfaction of the Secretary. This condition does not prohibit the winning of extractive material on site to be used in the construction of the Visibility Barriers.	Barriers not constructed at this stage. Quarrying operations yet to commence.	Not Triggered	

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #																									
		<i>Note: Visibility Barriers are shown on the project layout plans in Figure 1 of APPENDIX A</i>																												
Visibility Barrier and Stockpile Dimensions																														
20.	3A	<p>The Visibility Barriers and surplus overburden stockpile (refer Figure 1 Appendix A) must be constructed to meet the dimensions specified in Table 1A, unless the Secretary agrees otherwise.</p> <p><i>Table 1A - Visibility Barriers and Surplus Overburden Stockpile Dimensions</i></p> <table><tr><th>Structure</th><th>Height</th><th>Base Width (m)</th><th>Length (m)</th><th>Surface Area (ha)</th></tr><tr><td>Central Barrier (minimum)</td><td>675 (m AHD)</td><td>30 - 45</td><td>420</td><td>1.5</td></tr><tr><td>Northern Barrier (minimum)</td><td>672 (m AHD)</td><td>35 - 50</td><td>160</td><td>0.7</td></tr><tr><td>Southern Barrier (minimum)</td><td>4 meters above the natural land surface</td><td>20</td><td>350</td><td>0.7</td></tr><tr><td>Overburden Stockpile (maximum)</td><td>683 (m AHD)</td><td>-</td><td>-</td><td>-</td></tr></table>	Structure	Height	Base Width (m)	Length (m)	Surface Area (ha)	Central Barrier (minimum)	675 (m AHD)	30 - 45	420	1.5	Northern Barrier (minimum)	672 (m AHD)	35 - 50	160	0.7	Southern Barrier (minimum)	4 meters above the natural land surface	20	350	0.7	Overburden Stockpile (maximum)	683 (m AHD)	-	-	-	Barriers not constructed at this stage. Quarrying operations yet to commence.	Not Triggered	
Structure	Height	Base Width (m)	Length (m)	Surface Area (ha)																										
Central Barrier (minimum)	675 (m AHD)	30 - 45	420	1.5																										
Northern Barrier (minimum)	672 (m AHD)	35 - 50	160	0.7																										
Southern Barrier (minimum)	4 meters above the natural land surface	20	350	0.7																										
Overburden Stockpile (maximum)	683 (m AHD)	-	-	-																										
Noise Criteria – Bund Construction																														
21.	4	<p>During the construction of the Visibility Barriers, the Proponent must ensure that the noise generated on site does not exceed the criteria in Table 1.</p> <p><i>Table 1- Noise Criteria - Bund Construction</i></p> <table><tr><th>Receiver</th><th><i>L_{Aeq}</i> (15 min) dB(A)</th></tr><tr><td>R2</td><td>43</td></tr><tr><td>All other receivers</td><td>38</td></tr></table> <p>Notes:</p> <ul style="list-style-type: none">Receiver locations are shown in Figure 4 of APPENDIX A.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.	Receiver	<i>L_{Aeq}</i> (15 min) dB(A)	R2	43	All other receivers	38	Barriers not constructed at this stage. Quarrying operations yet to commence.	Not Triggered																				
Receiver	<i>L_{Aeq}</i> (15 min) dB(A)																													
R2	43																													
All other receivers	38																													

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #																
Noise Criteria																					
22.	5	Except for the period when the Visibility Barriers are being constructed, the Proponent must ensure that the noise generated by the project does not exceed 38dB(a) L_{Aeq} (15min) at any residence on privately-owned land. However, this criterion does not apply if the Proponent has a written agreement with the relevant landowner to exceed the criteria, and the Proponent has advised the Department in writing of the terms of this agreement.	Extractive operations yet to commence.	Not Triggered																	
Hours of Operation																					
23.	6	<div>The Proponent must comply with the operating hours in Table 2. <i>Table 2 - Operating Hours</i><table><tr><th>Day</th><th>Transport</th><th>Quarrying Operations</th><th>Construction</th></tr><tr><td>Monday – Friday</td><td>7 am to 4 pm</td><td>7 am to 5 pm</td><td>7 am – 5 pm</td></tr><tr><td>Saturday</td><td>8 am to 1 pm</td><td>8 am to 1 pm</td><td>8 am – 1 pm</td></tr><tr><td>Sundays and Public Holidays</td><td>None</td><td>None</td><td>None</td></tr></table> <i>Note: Maintenance activities may occur at any time provided they are inaudible at privately-owned residences.</i></div>	Day	Transport	Quarrying Operations	Construction	Monday – Friday	7 am to 4 pm	7 am to 5 pm	7 am – 5 pm	Saturday	8 am to 1 pm	8 am to 1 pm	8 am – 1 pm	Sundays and Public Holidays	None	None	None	Extractive operations yet to commence. It was reported that construction works for the bridge replacement were undertaken between 7am and 5pm	Not Triggered	
Day	Transport	Quarrying Operations	Construction																		
Monday – Friday	7 am to 4 pm	7 am to 5 pm	7 am – 5 pm																		
Saturday	8 am to 1 pm	8 am to 1 pm	8 am – 1 pm																		
Sundays and Public Holidays	None	None	None																		
Operating Conditions																					
24.	7	The Proponent must: <div>(a) implement best practice noise management to minimise the construction, operational, low frequency and traffic noise of the project;</div> <div>(b) minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply;</div> <div>(c) maintain the effectiveness of any noise suppression equipment on plant at all times and</div>	Extractive operations yet to commence.	Not Triggered																	

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>ensure defective plant is not used operationally until fully repaired; and</p> <p>(d) regularly assess noise monitoring data and relocate, modify, and/or stop operations onsite to ensure compliance with the relevant conditions of this approval,</p> <p>to the satisfaction of the Secretary.</p>			
Noise Management Plan					
25.	8	<p>The Proponent must prepare a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to the construction of the Visibility Barriers; (b) describe the measures that would be implemented to ensure: <ul style="list-style-type: none"> • best management practice is being employed on site; • the noise impacts of the project are minimised during meteorological conditions when the noise limits in this approval do not apply; and • compliance with the relevant conditions of this approval; (c) describe the proposed noise management system in detail; and (d) include a monitoring program that: <ul style="list-style-type: none"> • is capable of evaluating the performance of the project; • includes a protocol for determining exceedances of the relevant conditions in this approval; and 	Noise Management Plan for New Berrima Clay/Shale Quarry, v2.1, September 2018 prepared. Approved by DPIE 28/09/2018.	Not Triggered	

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #																							
		<ul style="list-style-type: none">evaluates and reports on the effectiveness of the noise management system on site. <p>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</p>																										
AIR QUALITY																												
Air Quality Criteria																												
26.	9	<p>The Proponent must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated on site do not exceed the criteria in Table 3, Table 4 and Table 5 at any residence on privately-owned land, or on more than 25% of any privately-owned land.</p> <p><i>Table 3 - Long-Term Impact Assessment Criteria for Particulate Matter</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>^d Criterion</th></tr><tr><td>Total suspended particulates (TSP)</td><td>Annual</td><td>^a 90 µg/m³</td></tr><tr><td>Particulate matter < 10 µm (PM₁₀)</td><td>Annual</td><td>^a 30 µg/m³</td></tr></table> <p><i>Table 4 - Short Term Impact Assessment Criteria for Particulate Matter</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>^d Criterion</th></tr><tr><td>Particulate matter < 10 µm (PM₁₀)</td><td>24 hour</td><td>^a 50 µg/m³</td></tr></table> <p><i>Table 5 - Long-Term Impact Assessment Criteria for Deposited Dust</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr><tr><td>^c Deposited dust</td><td>Annual</td><td>^b 2 g/m²/month</td><td>^a 4 g/m²/month</td></tr></table> <p><i>Notes to Tables:</i></p>	Pollutant	Averaging period	^d Criterion	Total suspended particulates (TSP)	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging period	^d Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	Dust deposition monitoring has been conducted for the site, however, barrier construction and extractive operations yet to commence.	Compliant	
Pollutant	Averaging period	^d Criterion																										
Total suspended particulates (TSP)	Annual	^a 90 µg/m ³																										
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³																										
Pollutant	Averaging period	^d Criterion																										
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³																										
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																									
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month																									

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>a) <i>Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);</i></p> <p>b) <i>Incremental impact (i.e. incremental increase in concentrations due to the project on its own);</i></p> <p>c) <i>Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</i></p> <p>d) <i>Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Secretary in consultation with EPA.</i></p> <p>e) <i>"Reasonable and feasible avoidance measures" includes, but is not limited to, the operational requirements in conditions 10, 11 and 12 to develop and implement an air quality management system that ensures operational responses to the risks of exceedance of the criteria.</i></p>			
Operating Conditions					
27.	B14	<p>The Proponent must:</p> <p>(a) implement best management practice to minimise the dust emissions of the project;</p> <p>(b) regularly assess air quality monitoring data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this approval,</p> <p>(c) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see Note d under Table 5 above);</p> <p>(d) minimise any visible off-site air pollution; and</p>	Barrier construction and extraction activities yet to commence.	Not Triggered	

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		(e) minimise the surface disturbance of the site generated by the project.			
Air Quality Management Plan					
28.	11	<p>The Proponent must prepare an Air Quality Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with the EPA, and submitted to the Secretary for approval prior to the construction of the Visibility Barriers; (b) describes the measures that would be implemented to ensure: <ul style="list-style-type: none"> • best management practice is employed; • the air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events; and • compliance with the relevant conditions of this approval; (c) describes the proposed air quality management system; and (d) includes an air quality monitoring program that: <ul style="list-style-type: none"> • is capable of evaluating the performance of the project; • includes a protocol for determining any exceedances of the relevant conditions of approval; • adequately supports the air quality management system; and • evaluates and reports of the adequacy of the air quality management system. <p>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</p>	Air Quality Management Plan for New Berrima Clay/Shale Quarry, v2.1, September 2018 prepared. Approved by DPIE 28/09/2018.	Compliant	

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
METEOROLOGICAL MONITORING					
29.	12	During the life of the project, the Proponent must ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the "Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales" guideline.	Meteorological station installed in September 2016. The meteorological station measures: <ul style="list-style-type: none"> • Temperature (at 2m and 10m) • Wind speed and direction (at 2m and 10) • Rainfall • Solar radiation • Barometric pressure 	Compliant	
SOIL AND WATER <i>Note: The Proponent is required to obtain the necessary water licences for the project under the Water Act 1912 and/or Water Management Act 2000.</i>					
Riparian Buffer Distance					
30.	13	The Proponent must maintain a minimum buffer distance of 515 metres (measured from the top of bank) between extraction area and Wingecarribee River.	The extraction area has been surveyed and markers installed. No extraction activities occurred within the nominated buffer during the reporting period.	Not Triggered	
Surface Water Discharges					
31.	14	The Proponent must ensure that all surface water discharges from the site comply with section 120 of the POEO Act or, if an EPL has been issued regulating water discharges from the site, the discharge limits (both volume and quality) set for the project in the EPL.	Barrier construction and extraction activities yet to commence. No conditional surface water discharge from the Quarry site had occurred to the date of this audit (August 2020).	Not Triggered	
Surface Water Supply					
32.	15	The Proponent must ensure it has sufficient water for all stages of the project, and if necessary, adjust the scale of quarrying operations on site to match its available supply.	Barrier construction and extraction activities yet to commence. The Site Water Balance section 9.3.1 states that Dam 7 will have "adequate capacity to supply the amount of water required in most years and may be supplemented by Dams 1,4 and 6 if required."	Compliant	

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
On-Site Sewage Management					
33.	16	The Proponent must manage on-site sewage to the satisfaction of Council and EPA.	No onsite sewerage facility had been installed at the date of this audit (August 2020).	Not Triggered	
Storage of Chemicals & Petroleum Products					
34.	17	<p>The Proponent must ensure all chemicals and/or petroleum products on site are stored in accordance with Australian Standard AS1940-2004, <i>The Storage and Handling of Flammable and Combustible Liquids</i>, and in appropriately bunded areas with impervious flooring and of sufficient capacity to contain 110% of the largest container stored within the bund. The flooring and bund(s) must be designed in accordance with:</p> <ul style="list-style-type: none"> the requirements of relevant Australian Standards; and DECC's <i>Storing and Handling Liquids: Environmental Protection – Participants Manual</i>. 	No storage of chemicals or fuels was occurring on site at the date of this audit (August 2020).	Not Triggered	
Water Management Plan					
35.	18	<p>The Proponent must prepare a Water Management Plan for the project to the satisfaction of the Secretary. This plan must be prepared in consultation with the EPA, WaterNSW and DPI – Water by suitably qualified and experienced persons whose appointment has been approved by the Secretary, and be submitted to the Secretary for approval prior to the construction the Visibility Barriers on site.</p> <p>In addition to the standard requirements for management plans (see condition 3 of schedule 5), this plan must include a:</p> <p>(a) Site Water Balance that:</p> <ul style="list-style-type: none"> includes details of: 	<p>Water Management Plan for New Berrima Clay/Shale Quarry, V1, June 2016 prepared. Approved by DPIE 9/06/2016.</p> <p>V2.130/01/2018. prepared following receipt of MOD2 approval. Submitted to Dol Water and DPE for consultation 1/032/2018. V2.3 submitted to Dol Water, NRAR DPE 28/11/18, updated and resubmitted 3/12/2018.</p> <p>Updated Water Management Plan V2.5, 10/07/2020 submitted to DPIE 10/07/2020 for review and acceptance.</p>	Compliant	

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> ○ sources and security of water supply, including contingency planning for future reporting periods; ○ water use on site; ○ water management on site; ○ reporting procedures, including comparisons of the site water balance each calendar year; and • describes the measures that would be implemented to minimise clean water use on site; (b) Surface Water Management Plan, that includes: <ul style="list-style-type: none"> • detailed baseline data on surface water flows and quality in the water-bodies that could be affected by the project; • a detailed description of the surface water management system on site, including the: <ul style="list-style-type: none"> ○ clean water diversion systems; ○ erosion and sediment controls; and ○ water storages. • a plan for identifying, extracting, handling, and the long-term storage of potentially acid forming material on site; • detailed plans, including design objectives and performance criteria, for: <ul style="list-style-type: none"> ○ the water storage dams; and ○ reinstatement of drainage lines on the rehabilitated areas of the site; ○ control of water pollution from rehabilitated areas of the site; • performance criteria for the following, including trigger levels for investigating any potentially adverse impacts, for the following: <ul style="list-style-type: none"> ○ the water management system; ○ surface water quality of local water ways; and ○ ecosystem health of local water ways; 			

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> performance criteria for surface water quality attributes relevant to water quality impacts on biological diversity and aquatic ecological integrity, including salinity, heavy metals, sediment load, pH, hardness and biological oxygen demand; a program to monitor <ul style="list-style-type: none"> the effectiveness of the water management system; surface water flows and quality in local water ways; and ecosystem health of local water ways; a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the project; and <p>(c) Groundwater Management Plan, which includes:</p> <ul style="list-style-type: none"> detailed baseline data on groundwater levels, yield and quality in the area, that could be affected by the project; groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; a program to monitor: <ul style="list-style-type: none"> groundwater inflows to the quarrying operations; the impacts of the project on: <ul style="list-style-type: none"> local alluvial aquifers; any groundwater bores on privately-owned land that could be affected by the project; the seepage/leachate from water storages or backfilled voids on site; and groundwater dependent ecosystems; a plan to respond to any exceedances of the groundwater assessment criteria; 			

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		The Proponent must implement the approved management plan as approved from time to time by the Secretary.			
Groundwater Monitoring					
36.	18A	The Proponent must install 3 pairs of nested piezometers prior to the quarry pit floor reaching 660 m AHD, in consultation with DPI – Water and to the satisfaction of the Secretary.	The development of the quarry pit had not commenced at the date of this audit (August 2020). Installation of the piezometers will occur prior to Stage 3 quarry extraction before the pit floor reaches 660 m AHD.	Not Triggered	
VISUAL					
Establishment of Effective Vegetative Screens					
37.	19	The Proponent must vegetate (with grasses, shrubs and trees) the Visibility Barriers as soon as practicable after the completion of the construction of the bunds, to the satisfaction of the Secretary.	Construction of the visibility barriers at the Quarry had not been completed at the date of this audit (August 2020).	Not Triggered	
38.	19A	Prior to transporting any product from the site, the Proponent must establish a 0.68 ha tree screen adjacent to the Northern Visibility Barrier, as shown on Figure 1 in Appendix A. The screen must include native plant species from the <i>Southern Highlands Shale Woodland Endangered Ecological Community</i> .	No product has been extracted or transported from the New Berrima Clay/Shale Quarry at the date of this audit (August 2020).	Not Triggered	
Advertising					
39.	20	The Proponent must not erect or display any advertising structure(s) or signs on the site without the written approval of the Secretary. <i>Note: This condition does not require approval for any business identification, traffic management, and/or safety or environmental signs.</i>	No advertising structure(s) or signs had been erected on the New Berrima Clay/Shale Quarry site at the date of this audit (August 2017). The only signage at the entrance to the Quarry site is related safety requirements on the site and name and number for onsite contact.	Compliant	

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
Operating Conditions					
40.	21	The Proponent must (a) implement all reasonable and feasible measures to minimise the visual impacts and any off-site lighting impacts of the project; and (b) maintain and improve the effectiveness of the bunds and vegetative screens over the life of the project.	No on-site lighting has been installed. Bunds and vegetative screens have not been constructed at the date of this audit (August 2020)	Not Triggered	
41.	22	Deleted			
TRANSPORT					
Road upgrades (local roads)					
42.	23	Prior to transporting any extractive material from the site, the Proponent must: (a) construct the junction of the site access road with Berrima Road to Basic Right Turn and Basic Left Turn Treatment standard for a 19m semi-trailer; (b) construct a raised concrete median in Berrima Road on the south bound approach to its junction with MR372; (c) provide appropriate traffic signage and line-marking, in accordance with AUSTROADS <i>Guide to Road Design</i> and to the satisfaction of the Council.	Not completed at this stage. No transport of materials from site. Noted that a Section 138 certificate had been obtained in 2018 for the upgrade of the intersection of the Quarry access road and Berrima Road.	Not Triggered	
Road upgrades (main roads)					
43.	24	Prior to transporting any extractive material from the site, the Proponent must: (a) construct the Berrima Road/Taylor Avenue junction to give priority to MR372 incorporating Rural BA Left and Right turn treatments for a 19m semi-trailer;	No extractive material has been transported from the site at the date of this audit (August 2020) Construction of the Berrima Road/Taylor Avenue junction was reported to be awaiting internal approval.	Not Triggered	

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>(b) provide appropriate traffic signage and line-marking,</p> <p>in accordance with AUSTROADS <i>Guide to Road Design</i> and to the satisfaction of the Council and the RMS.</p> <p>If the Council undertakes or proposes to undertake a superior treatment of this intersection upgrade, then this condition may be fulfilled by the Proponent paying a monetary contribution to the Council equivalent to the cost of the upgrades specified under this condition, as assessed by a qualified independent valuer or quantity surveyor appointed by the Secretary. The costs of the valuation are to be paid by the Proponent.</p> <p>Any dispute over the interpretation of this condition or a satisfactory valuation can be referred by any party to the Secretary for resolution. The decision of the Secretary in any such dispute shall be final.</p>			
Transport Route					
44.	25	The Proponent must ensure heavy vehicles associated with the Project travel along haulage routes specified in the EA and the haulage route diagram in Figure 3 of APPENDIX A to this approval to the satisfaction of the Secretary.	<p>Transport of product from the New Berrima Clay/Shale Quarry by heavy vehicles had not commenced at the date of this audit (August 2017).</p> <p>Drivers Code of Conduct includes designated transport route.</p>	Not Triggered	
Road Maintenance Contribution					
45.	26	The Proponent must pay to Council an annual contribution of 91.2 cents per cubic metre of extractive material exported from the site (indexed annually to Consumer Price Index) for the life of the Project. The volume of extractive material exported from the site must be established by way of a volumetric survey of the site carried out by a registered surveyor. Each annual volumetric survey must be provided to Council to allow verification of the contribution amount. The first annual	No extracted material has been transported from the New Berrima Clay/Shale Quarry by heavy vehicles had commenced at the date of this audit (August 2017).	Not Triggered	

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>payment falls due 12 months from the commencement of operation.</p> <p><i>Note: The Proponent must provide a base-line survey of the site to the Council prior to the commencement of operations.</i></p>			
Parking					
46.	27	The Proponent must provide sufficient parking for all project-related traffic, in accordance with Council's parking code.	Allowance for parking adjacent to the site office when constructed will be provided for, as shown in Environmental Assessment Modification 2 - Figure 1 (dated 19 January 2017).	Not triggered	
Operating Conditions					
47.	28	<p>The Proponent must ensure that:</p> <ul style="list-style-type: none"> (a) vehicles on site do not exceed a speed limit of 30 kilometres per hour; (b) all loaded vehicles entering or leaving the site have their loads covered; and (c) all loaded vehicles leaving the site are cleaned of sand and other materials before they leave the site so they do not track dirt onto the public roads. 	<p>No product had been transported from the New Berrima Clay/Shale Quarry.</p> <p>Transport Management Plan include Drivers Code of Conduct, which states:</p> <p><i>".....drivers are to comply with the Drivers Code of Conduct, including complying with speed limits at the quarry of 30km/hr".</i></p>	Not triggered	
Transport Management Plan					
48.	29	<p>The Proponent must prepare a Transport Management Plan for the project to the Secretary. This plan must:</p> <ul style="list-style-type: none"> (d) be submitted prepared in consultation with the RMS and Council, and submitted to the Secretary for approval prior to carrying out any quarrying operations on site; (e) include a drivers' code of conduct for the project; (f) describe the measures that would be implemented to ensure: <ul style="list-style-type: none"> • establishing a CB radio communication protocol with the local bus companies, to improve driver 	Transport Management Plan for New Berrima Clay/Shale Quarry, v2.1, September 2018 prepared. Approved by DPIE 28/09/2018.	Compliant	


Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>awareness of quarry truck and school bus locations along haulage routes;</p> <ul style="list-style-type: none"> the drivers of project-related vehicles comply with the drivers' code of conduct for the project; and compliance with the relevant conditions of this approval; and <p>(g) include a program to monitor the effectiveness of the implementation of these measures.</p> <p>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</p>			
49.	30	<p>Should the Traffic Management Plan (TMP) for the proposed works require a reduction of the speed limit on Berrima Road and/or Taylor Avenue, a Speed Zone Authorisation must be obtained from RMS Traffic Operations Unit (TOU) prior to commencing work within the road reserve.</p>	<p>Work within the Berrima Road and/or Taylor Avenue road reserve had not commenced at the date of this audit (August 2017).</p>	Not Triggered	
WASTE					
50.	31	<p>The Proponent must:</p> <ul style="list-style-type: none"> (a) monitor the amount of waste generated by the project; (b) investigate ways to minimise waste generated by the project; (c) implement reasonable and feasible measures to minimise waste generated by the project; (d) ensure that all waste generated by the project is lawfully disposed of to an appropriate facility; and (e) report on waste management and minimisation in the annual review, <p>to the satisfaction of the Secretary.</p>	<p>Records of waste generated on site have been retained. e.g. Waste generated from drilling operations - 12 IBCs collected for drill water for disposal by JR Richards, portaloos waste collected by South Coast Liquid Treatment.</p>	Compliant	
ABORIGINAL HERITAGE					

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
Aboriginal Heritage Management Plan					
51.	32	<p>The Proponent must prepare an Aboriginal Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with OEH and the relevant Local Aboriginal Land Council; (b) be submitted to the Secretary for approval prior to any ground disturbance; and (c) include a: <ul style="list-style-type: none"> • protocol for the engagement of an Aboriginal Site Officer for any necessary ground disturbance monitoring; • program for the recording, notifying, salvage and surface collection of any Aboriginal objects/sites that may be encountered within the project area; • description of the measures that would be implemented if any Aboriginal skeletal remains are discovered during the project; and • protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites. <p>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</p>	<p>Aboriginal Heritage Management Plan for New Berrima Clay/Shale Quarry, v2.3, November 2018 prepared. Approved by DPIE 9/11/2018.</p> <p>No ground works has been conducted since the previous audit.</p> <p>Construction of the new bridge was completed in 2017.</p>	Compliant	
52.	32A	<p>If any item or object of potential Aboriginal heritage significance is identified during works associated with the project, the Proponent must ensure that:</p> <ul style="list-style-type: none"> (a) all work in the immediate vicinity of the potential Aboriginal item or object ceases immediately; (b) a 10 m buffer area around the potential item or object is cordoned off; and 	<p>No items or objects of potential Aboriginal heritage significance have been identified since the previous audit.</p>	Not Triggered	

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #												
		(c) the OEH is contacted immediately. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the <i>National Parks and Wildlife Act 1974</i> .															
LANDSCAPE																	
Rehabilitation Objectives																	
53.	33	<p>The Proponent must rehabilitate the site to the satisfaction of the DRG. This rehabilitation must be consistent with the proposed rehabilitation strategy in the EA (MOD 1), and comply with the objectives in Table 6</p> <p><i>Table 6 - Rehabilitation Objectives</i></p> <table><tr><th>Feature</th><th>Objective</th></tr><tr><td>Site (as a whole)</td><td>Safe, stable & non-polluting</td></tr><tr><td>Surface Infrastructure</td><td>To be decommissioned and removed, unless the DRG agrees otherwise</td></tr><tr><td>Quarry Walls</td><td>Final slopes of 1:3 (vertical : horizontal), except the southwestern wall of Bench 1 Vegetated with native endemic flora species to be consistent with surrounding landscape and to minimise visual impacts</td></tr><tr><td>Quarry Pit Floor</td><td>Suitable for grazing or other agricultural activities</td></tr><tr><td>Other Land affected by the project</td><td>Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of:<ul style="list-style-type: none">local native species; anda landform consistent with the surrounding environment</td></tr></table>	Feature	Objective	Site (as a whole)	Safe, stable & non-polluting	Surface Infrastructure	To be decommissioned and removed, unless the DRG agrees otherwise	Quarry Walls	Final slopes of 1:3 (vertical : horizontal), except the southwestern wall of Bench 1 Vegetated with native endemic flora species to be consistent with surrounding landscape and to minimise visual impacts	Quarry Pit Floor	Suitable for grazing or other agricultural activities	Other Land affected by the project	Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of: <ul style="list-style-type: none">local native species; anda landform consistent with the surrounding environment	<p>No soil stripping operations have been undertaken, and no soil material was spread. Rehabilitation of exploration drill holes and piezometer installation areas had been completed.</p> 	Compliant	
Feature	Objective																
Site (as a whole)	Safe, stable & non-polluting																
Surface Infrastructure	To be decommissioned and removed, unless the DRG agrees otherwise																
Quarry Walls	Final slopes of 1:3 (vertical : horizontal), except the southwestern wall of Bench 1 Vegetated with native endemic flora species to be consistent with surrounding landscape and to minimise visual impacts																
Quarry Pit Floor	Suitable for grazing or other agricultural activities																
Other Land affected by the project	Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of: <ul style="list-style-type: none">local native species; anda landform consistent with the surrounding environment																
Progressive Rehabilitation																	
54.	34	The Proponent must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must	Exploratory drilling had been conducted in July 2019. Rehabilitation of exploration drill holes and piezometer installation areas had been completed.	Compliant													

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies must be employed when areas prone to dust generation cannot yet be permanently rehabilitated.			
Landscape Management Plan					
55.	35	<p>The Proponent must prepare a Landscape Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with OEH and Council, and submitted to the Secretary for approval prior to carrying out any development on site under this approval; (b) describe the short, medium and long term measures that would be implemented to: <ul style="list-style-type: none"> • manage the remnant vegetation and habitat on site; • rehabilitate the riparian land adjacent to the Wingecarribee River on site; and • ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this approval; (c) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, including triggering remedial action (if necessary); (d) include a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for: <ul style="list-style-type: none"> • ensuring compliance with the rehabilitation objectives and progressive rehabilitation obligations in this approval; • enhancing the quality of existing vegetation and fauna habitat; 	Landscape Management Plan for New Berrima Clay/Shale Quarry, v2.1, September 2018 prepared. Approved by DPIE 28/09/2018.	Compliant	

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond. No	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> restoring native endemic vegetation and fauna habitat within the biodiversity areas and rehabilitation area; maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area; collecting and propagating seed; minimising the impacts on fauna on site, including undertaking pre-clearance surveys; controlling weeds and feral pests; controlling erosion; managing grazing and agriculture on site; controlling access; and bushfire management; <p>(e) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;</p> <p>(f) identify the potential risks to successful implementation of the rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate against these risks; and</p> <p>(g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</p>			
56.	36	Deleted			
57.	37	Deleted			

AQUAS Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
SCHEDULE 4 – ADDITIONAL PROCEDURES					
NOTIFICATION OF LANDOWNERS					
58.	1	<p>As soon as practicable after obtaining monitoring results showing an:</p> <p>(a) exceedance of any relevant criteria in schedule 3, the Proponent must notify affected landowners in writing of the exceedance, and provide regular monitoring results to each of affected landowner until the project is again complying with the relevant criteria; and</p> <p>(b) an exceedance of the relevant air quality criteria in schedule 3, the proponent must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land.</p>	No quarrying operations have been undertaken.	Not Triggered	
INDEPENDENT REVIEW					
59.	2	<p>If an owner of privately-owned land considers the project to be exceeding the relevant criteria in Schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land.</p> <p>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Proponent must:</p> <p>(a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Secretary, to:</p>	No requests for an independent review from owners of privately owned land have been received.	Not Triggered	

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> consult with the landowner to determine his/her concerns; conduct monitoring to determine whether the project is complying with the relevant criteria in schedule 3; and if the project is not complying with these criteria, then identify the measures that could be implemented to ensure compliance with the relevant criteria; <p>(b) give the Secretary and landowner a copy of the independent review; and</p> <p>(c) comply with any written requests made by the Secretary to implement any findings of the review.</p>			
60.	3	<p>If the independent review determines that the project is complying with the relevant criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Secretary.</p> <p>If the independent review determines that the project is not complying with the relevant criteria in schedule 3, then the Proponent must:</p> <p>(d) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until the project complies with the relevant criteria; or</p> <p>(e) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Secretary.</p>	No requests for an independent review from owners of privately owned land have been received.	Not Triggered	

AQUAS Ref No	Cond No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
SCHEDULE 5 – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING					
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING					
Environmental Management Strategy					
61.	1	<p>The Proponent must prepare and an Environmental Management Strategy for the project to the satisfaction of the Secretary. The strategy must:</p> <ul style="list-style-type: none"> (a) be submitted for approval to the Secretary prior to the commencement of construction activities; (b) provide the strategic framework for environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; (e) describe the procedures that would be implemented to: <ul style="list-style-type: none"> • 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-compliance; and • respond to emergencies; and (f) include: <ul style="list-style-type: none"> • copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and • a clear plan depicting all the monitoring to be carried out in relation to the project. <p>The Proponent must implement the approved strategy as approved from time to time by the Secretary.</p>	Environmental Management Strategy for New Berrima Clay/Shale Quarry, v2.1, September 2018 prepared. Approved by DPIE 28/09/2018.	Compliant	

AQUAS Ref No	Cond No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
Adaptive Management					
62.	2	<p>The Proponent must assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must, at the earliest opportunity:</p> <ul style="list-style-type: none"> (a) take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur; (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and (c) implement remediation measures as directed by the Secretary, <p>to the satisfaction of the Secretary.</p>	No exceedances of project criteria have been recorded.	Compliant	
Management Plan Requirements					
63.	3	<p>The Proponent must ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <ul style="list-style-type: none"> (a) detailed baseline data; (b) a description of: <ul style="list-style-type: none"> • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; and • the specific performance indicators that are proposed to be used to judge the performance of, or 	Management Plans required under Project Approval 08_0212 have been prepared to satisfy the requirements of Schedule 5 condition 3 and approved by the DP&E prior to commencement of any works on the New Berrima Clay/Shale Quarry site.	Compliant	

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>guide the implementation of, the project or any management measures;</p> <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> impacts and environmental performance of the project; and effectiveness of any management measures (see (c) above); <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the project over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> incidents; complaints; non-compliances with statutory requirements; and exceedances of the impact assessment criteria and/or performance criteria; and <p>(h) a protocol for periodic review of the plan.</p> <p><i>Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i></p>			
Annual Review					
64.	4	<p>By the end of December 2016, and annually thereafter, the Proponent must review the environmental performance of the project to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including rehabilitation) that was carried out in the previous calendar year, and the</p>	<p>Sighted:</p> <p>Annual Review sighted for 2017, 2017-2018,</p> <ul style="list-style-type: none"> 2017 Annual Review for the New Berrima Clay/Shale Quarry Project Approval PA08_0212, February 2018. 	Compliant	

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>works that are proposed to be carried out over the next year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against:</p> <ul style="list-style-type: none"> the relevant statutory requirements, limits or performance measures/criteria; the monitoring results of previous years; and the relevant predictions in the documents listed in condition 2 of Schedule 2; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.</p>	<ul style="list-style-type: none"> 2018 Annual Review for the New Berrima Clay/Shale Quarry Project Approval PA08_0212 Mining (Mineral Owner) Lease 6, February 2018. 2019 Annual Review for the New Berrima Clay/Shale Quarry Project Approval PA08_0212 Mining (Mineral Owner) Lease 6, February 2019. <p>Submitted to DPIE 28/02/2019.</p>		
Revision of Strategies, Plans & Programs					
65.	5	<p>Within 3 months of the submission of an:</p> <p>(a) annual review under condition 4 above;</p> <p>(b) incident report under condition 7 below;</p> <p>(c) audit report under condition 9 below; and</p> <p>(d) any modifications to this approval,</p> <p>the Proponent must review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.</p> <p>Within 4 weeks of conducting any such review, the Proponent must advise the Secretary of the outcomes of</p>	<p>Annual Review 2019 – DPIE notified of review of management plans 28/02/2020 with submission of annual review. No further updates required.</p> <p>Annual Review submitted 2020. Letter to DPIE May 2020 notification of changes to management plans following completion of the annual review (minor administrative updates required). Suggested to submit updates following completion of the IEA in late 2020, which was accepted by DPIE.</p>	Compliant	

AQUAS Ref No	Cond No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>the review, and provide any revised documents to the Secretary for review and approval.</p> <p><i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.</i></p>			
Community Consultative Committee					
66.	6	<p>The Proponent must establish and operate a CCC for the project to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Department's <i>Community Consultative Committee (CCC) Guidelines for State Significant Projects</i> (November 2016, or its latest version), and be operating prior to any development being carried out on site under this approval.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <i>The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.</i> <i>In accordance with the guideline, the Committee should comprise an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community.</i> 	<p>Community Consultative Committee established. Meeting minutes available on website for period September 2016 to July 2020. Shows meetings conducted 3 times per year in 2018 and 2019 (2 to date in 2020).</p>	Compliant	
REPORTING					
Incident Reporting					
67.	7	<p>The Proponent must notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the Proponent must notify the Secretary and any</p>	<p>No incidents were reported between August 2017 and August 2020.</p>	Not Triggered	

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020



AQUAS Ref No	Cond No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.			
Regular Reporting					
68.	8	The Proponent must provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.	Dust and water quality monitoring results were available on the project website. Monthly dust deposition results for the period September 2016 to July 2020. Water sampling results Prior to 2020 and Year 2020 (January to June)	Compliant	
INDEPENDENT ENVIRONMENTAL AUDIT					
69.	9	Within a year of the commencement of development on site under this approval, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent must commission, commence and pay the full cost of an Independent Environmental Audit of the project. This audit must: <ul style="list-style-type: none"> (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval and any relevant EPL and/or Water License (including any assessment, plan or program required under these approvals); (d) review the adequacy of any approved strategy, plan or program required under these approvals; 	The previous Independent Environmental Audit was conducted in the 1 August 2017 and the report prepared for submission on 15 August 2017. The current Independent Environmental Audit was conducted on 18 August 2020.	Compliant	

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project Contractor: The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<p>(e) recommend measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under these approvals; and</p> <p>(f) be conducted and reported to the satisfaction of the Secretary.</p> <p><i>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.</i></p>			
70.	9A	Within 12 weeks of commencing each audit, unless the Secretary agrees otherwise, the Proponent must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of any measures proposed to address the recommendations.	Previous audit was conducted 1 August 2017. Report provided to DPI&E 30/10/2020 (13 weeks).	Not Compliant	02
71.	10	Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.	Previous audit conducted 1 August 2017. Report provided to DPI&E 30/10/2020.	Compliant	
ACCESS TO INFORMATION					
72.	11	<p>Following the commencement of development on site under this approval, the Proponent must:</p> <p>(a) make the following information publicly available on its website:</p> <ul style="list-style-type: none"> the documents listed in condition 2 of Schedule 2; current statutory approvals for the project; approved strategies, plans or programs; a summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval; 	<p>Project Approval 08_0212 (MOD2)</p> <p>Environment Protection Licence 20377</p> <p>Pollution Incident Response Management Plan</p> <p>Austral Bricks Environmental Label – Declare -Living Future website</p> <p>Mining (Mineral Owners) Mining Lease 6</p> <p>Environmental Assessments and Related Documents - Original Assessment – 2010</p> <p>Modification 1 – 2015</p>	Compliant	

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

AQUAS Ref No	Cond No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
		<ul style="list-style-type: none"> a complaints register, updated on a quarterly basis; minutes of CCC meetings; copies of any annual reviews (over the last 5 years); any independent environmental audit, and the Proponent's response to the recommendations in any audit; and any other matter required by the Secretary; and <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	<p>Modification 2 – 2017</p> <p>New Berrima Clay Shale Quarry_MOD2_EA</p> <p>New Berrima Clay Shale Quarry_MOD2_EA_Attachment</p> <p>New Berrima Clay Shale Quarry_MOD2_EA_Response to Submissions</p> <p>Management Plans</p> <p>Approved 2017</p> <p>74409_WaterManagementPlan-Approved_9June2016</p> <p>Approved 2018</p> <p>74423g_Landscape-Management-Plan_September-2018</p> <p>74423a_Environmental-Management-Strategy-September-2018</p> <p>74423b_Noise-Management-Plan_September-2018</p> <p>74423c_Air-Quality-Management-Plan_September-2018</p> <p>74423e_Transport-Mgt-Plan_September-2018</p> <p>Aboriginal Heritage Management Plan November 2018</p> <p>MONITORING RESULTS</p> <p>Deposited Dust Monitoring</p> <p>Water Sampling Results</p> <p>: Prior to year 2020 Results</p> <p>: Year 2020 results</p> <p>Complaints Register</p> <p>CCC Meeting Notes (September 2016 to July 2020)</p> <p>Annual Review 2016</p> <p>Annual Review 2016 Re-issued</p> <p>Annual Review 2017</p> <p>Annual Review 2017 – Appendices</p> <p>Annual Review 2018</p>		

Audit Checklist: Schedule 1: Development of Consent Project Approval 08_0212

Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020



AQUAS Ref No	Cond No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #
			Annual Review 2019 Independent Environmental Audit – August 2017		

7 Audit Checklist – Environmental Protection Licence 20377

AQUAS Ref No	Cond. No.	Condition	Finding and Recommendations	Compliance rating	Assessment Issue #												
ENVIRONMENTAL PROTECTION LICENCE 20377																	
1.	A.1.1	Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition. Extractive Activities Land-based extractive activity > 500000 - 1000000 T annual capacity to extract, process or store.	Quarry operations were yet to commence.	Not triggered													
2.	L1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	No discharge has been undertaken from the site.	Not triggered													
3.	L2.1	Noise from the premises must not exceed the noise limits in the Table below: <table><tr><td>Identification Point</td><td>Noise limit at any time dB(A) LAeq(15minute)</td><td>Location</td></tr><tr><td>N1</td><td>42</td><td>North of the quarry void and labelled N1 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).</td></tr><tr><td>N2</td><td>49</td><td>East of the quarry void and labelled N2 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).</td></tr><tr><td>N3</td><td>44</td><td>South east of the quarry void and labelled N3 on map titled "Environmental Monitoring</td></tr></table>	Identification Point	Noise limit at any time dB(A) LAeq(15minute)	Location	N1	42	North of the quarry void and labelled N1 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).	N2	49	East of the quarry void and labelled N2 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).	N3	44	South east of the quarry void and labelled N3 on map titled "Environmental Monitoring	Quarry operations were yet to commence.	Not triggered	
Identification Point	Noise limit at any time dB(A) LAeq(15minute)	Location															
N1	42	North of the quarry void and labelled N1 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).															
N2	49	East of the quarry void and labelled N2 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).															
N3	44	South east of the quarry void and labelled N3 on map titled "Environmental Monitoring															

Audit Checklist: Environment Protection Licence No 20377
Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

			Locations" dated 20 November 2015 (DOC16/206245).			
4.	O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.		Quarry operations were yet to commence.		
5.	O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.		Quarry operations were yet to commence.	Not triggered	
6.	M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) Produced in a legible form to any authorised officer of the EPA who asks to see them.		Records were readily available in electronic format	Compliant	
7.	M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.		Chain of Custody form completed for each sampling event. Includes date, time location and sampler.	Compliant	
8.	M2.2	Is dust monitoring conducted at 3 sites (EPA Points 1,2 and 3).		Records of dust monitoring were available for the three sites.	Compliant	
9.	M2.3	Water monitoring conducted daily during discharge at Points 4 and 5 for:		Eight monitoring locations identified for water quality monitoring. Sampling had been undertaken at WS2, WS3 and WS8 with analysis for the required variables.	Not triggered	

		Pollutant	Unit of Measure	Frequency	Sampling Method		No discharge from points 4 and 5 to date.		
		Oil and Grease	Visible	Daily during any discharge	Inspection				
		pH	pH	Daily during any discharge	Grab Sample				
		Total Suspended Solids	Mg/l	Daily during any discharge	Grab Sample				
10.	M4.1	At the Weather Station Monitoring Point, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.					Weather station installed on site. Monitoring of identified variable was undertaken.	Compliant	
11.	M5.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.					Complaints register available. No complaints have been received	Compliant	
12.	M5.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.					Complaints register available. No complaints have been received	Compliant	
13.	M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.					No complaints have been received.	Not triggered	
14.	M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.					No complaints have been received.	Not triggered	

15.	M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Complaints line provided - 1800 635 620	Compliant	
16.	M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Complaints number displayed at entrance gate.	Compliant	
17.	M6.3	The preceding two conditions do not apply until 3 months after the date of the issue of this licence.		Compliant	
Reporting Conditions					
Annual Return Documents					
18.	R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: <ol style="list-style-type: none"> 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	2016-2017 Annual return submitted 29/09/2017 2017-2018 Annual Return submitted 25/09/2018 2018-2019 Annual Return submitted 25/09/2019	Compliant	
19.	R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below. <i>Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.</i>	2016-2017 Annual return submitted 29/09/2017 2017-2018 Annual Return submitted 25/09/2018	Compliant	

Audit Checklist: Environment Protection Licence No 20377
Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020

		<i>The reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months</i>	2018-2019 Annual Return submitted 25/09/2019		
20.	R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <p>a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and</p> <p>b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.</p> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	Licence has not been transferred.	Not Triggered	
21.	R1.4	<p>Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:</p> <p>a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or</p> <p>b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.</p>		Not Triggered	
22.	R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Required by 29 September. 2016-2017 Annual return submitted 29/09/2017 2017-2018 Annual Return submitted 25/09/2018 2018-2019 Annual Return submitted 25/09/2019	Compliant	
23.	R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA	Copy of the Annual Return was available.	Compliant	

Audit Checklist: Environment Protection Licence No 20377
Project: New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited

Date: 18/08/2020


24.	R1.7	Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	Statement of compliance was signed and included with the Annual Return	Compliant	
25.	R2.1	Notifications must be made by telephoning the Environment Line service on 131 555. <i>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</i>	No environmental incidents have occurred.	Not Triggered	
26.	R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	No environmental incidents have occurred.	Not Triggered	
27.	R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment(whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	No environmental incidents have occurred. No requests for a written report have been received.	Not Triggered	
28.	R3.2	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;	No environmental incidents have occurred. No requests for a written report have been received.	Not Triggered	

Audit Checklist: Environment Protection Licence No 20377**Project:** New Berrima Clay/Shale Quarry Project **Contractor:** The Austral Brick Company Pty Limited**Date:** 18/08/2020

		d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.			
29.	R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	No environmental incidents have occurred. No requests for a written report have been received.	Not Triggered	
30.	G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Copy of the licence was available on site.	Compliant	
31.	G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Copy of the licence was available on site.	Compliant	
32.	G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Copy of the licence was available on site.	Compliant	

Appendix D. Consultation Records

Hart, James

From: Lauren Evans <Lauren.Evans@planning.nsw.gov.au>
Sent: Friday, 14 August 2020 8:46 AM
To: Hart, James; Georgia Dragicevic
Subject: RE: AQ1281 Independent Environmental Audit - New Berrima Clay/ Shale Quarry

Dear James

Thanks for your email. The Department does not have any specific issues or concerns for consideration in this IEA.

Regards

Lauren Evans
Team Leader
Energy, Resources & Compliance | Planning and Assessment
4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150
T 02 9274 8311 E lauren.evans@planning.nsw.gov.au



Planning,
Industry &
Environment

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

From: Hart, James <james.hart@aquas.com.au>
Sent: Thursday, 13 August 2020 11:54 AM
To: Lauren Evans <Lauren.Evans@planning.nsw.gov.au>; Georgia Dragicevic <Georgia.Dragicevic@planning.nsw.gov.au>
Subject: AQ1281 Independent Environmental Audit - New Berrima Clay/ Shale Quarry

Hi,

AQUAS has been engaged to undertake an Independent Environmental Audit of the New Berrima Quarry operated by Austral Bricks. As a requirement of the Independent Environmental Audit process I am seeking feedback from various agencies in regard to any issues that may have arisen or concerns which you may have in relation to the construction operations. These will be included in the audit.

I would appreciate it if you would respond to this email prior to the site audit identifying any issues or concerns you have, or if you have none, please respond and let me know.

If you have any questions or prefer to talk to someone about issues regarding the development, you can contact me on 0408238682.

Please note that the on-site component of the audit will be conducted on 18 August 2020.

Regards

James Hart | Management Consultant



DOC20/660908-1

James Hart
Australian Quality Assurance & Superintendence Pty Limited
PO Box 2195
DANGAR NSW 2309

Email: james.hart@aquas.com.au

Dear Mr Hart

**Independent Environmental Audit
The Austral Brick Company Pty Limited - New Berrima Shale Quarry Project (MP08_0212-Mod-2)**

I refer to your email dated 13 August 2020 seeking feedback from the Environment Protection Authority (EPA) regarding any issues or concerns the EPA may wish to be considered during the Independent Environmental Audit (IEA) of the above quarry.

The EPA makes the following observations:

1. The Austral Brick Company Pty Limited ("the licensee") holds an Environment Protection Licence (EPL 20377) for the premises issued under the Protection of the Environment Operations Act 1997 (the Act). The licence was issued in August 2016. A copy of the licence is available on the EPA's Public Register at www.epa.nsw.gov.au/prpoeoapp. Based on information available on the licensee website, construction and operational activities have not yet commenced at the premises.
2. The licence contains a range of conditions to protect the environment; including limit, operating, monitoring and reporting conditions. During the first two licence reporting periods (2016/2017 and 2017/2018) the licensee reported several non-compliances with EPL Monitoring Condition M2.2 (dust deposition monitoring). Details of these non-compliances and the EPA response can be viewed on the EPA's Public Register.
3. The following requirements in relation to the EPA licensed premises should also be considered:
 - Pollution monitoring data is required to be published on the licensee's [website](#) in accordance with Section 66(6) of the Act. The EPA's [Requirements for publishing pollution monitoring data](#) sets out the written requirements that environment protection licence holders should follow.
 - All holders of environment protection licences are required to prepare a Pollution Incident Response Monitoring Plan (PIRMP) in accordance with section 153A of the POEO Act. A copy is available on the licensee's website. To assist licensees with preparing a PIRMP, the EPA has developed a [PIRMP Guideline](#), which provides details on the legislative requirements, and how to prepare, test and implement the plan.

Phone 131 555	TTY 131 677, then	PO Box 513	Level 3	info@epa.nsw.gov.au
Phone 02 4224 4100	ask for 131 555	WOLLONGONG	84 Crown Street	www.epa.nsw.gov.au
(from outside NSW)		NSW 2520	WOLLONGONG NSW	ABN 43 692 285 758
			2500	

- The licence requires the licensee to maintain a register of complaints it receives in relation to the premises. The licensee has not reported receiving any complaints since August 2016.
 - The licence requires the licensee or its employees to notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act. The licensee has not reported any incidents since August 2016.
4. In addition to the above, the licensee's [website](#) also contains information that should be considered as part of the audit. This includes:
- The two previous IEA reports which include identified non-compliances and proposed recommendations
 - Annual Review reports, and
 - Community Consultative Committee meeting notes.

If you have questions regarding the above, please phone Craig Patterson on (02) 4224 4100.

Yours sincerely



17/08/20

PETER BLOEM
Manager Regulatory Operations

Hart, James

From: elder@goulburn.net.au
Sent: Thursday, 20 August 2020 10:02 AM
To: Hart, James
Subject: RE: AQ1281 Independent Environmental Audit - New Berrima Clay/ Shale Quarry

Good morning James,
I write as Chairman of the new Berrima Clay/ Shale Quarry Community Consultative Committee {CCC }
I sent your letter to all members of the CCC and have not received any responses, and thus assume that no issues or concerns have arisen. That is certainly my position. No issues or concerns have been raised at CCC meetings
Apologies for the late reply
Sincerely,
Don Elderr

From: Hart, James <james.hart@aquas.com.au>
Sent: Thursday, 13 August 2020 11:58 AM
To: elder@goulburn.net.au
Subject: AQ1281 Independent Environmental Audit - New Berrima Clay/ Shale Quarry

Hi Don,

AQUAS has been engaged to undertake an Independent Environmental Audit of the New Berrima Quarry operated by Austral Bricks. As a requirement of the Independent Environmental Audit process I am seeking feedback from various agencies in regard to any issues that may have arisen or concerns which you may have in relation to the construction operations. These will be included in the audit.

I would appreciate it if you would respond to this email prior to the site audit identifying any issues or concerns you have, or if you have none, please respond and let me know.

If you have any questions or prefer to talk to someone about issues regarding the development, you can contact me on 0408238682.

Please note that the on-site component of the audit will be conducted on 18 August 2020.

Regards

James Hart | Management Consultant

*Certified Exemplar Global Lead OHS Auditor
Certified Exemplar Global Lead Environmental Auditor
Certified Exemplar Global Lead Quality Management System Auditor*

Please note part time: Monday to Thursday
AQUAS | Level 2, 426 King Street, Newcastle NSW 2300 | PO Box 2195, Dangar NSW 2309 |
phone: +61 2 4928 7600 | fax: +61 2 4927 0930 | Mobile: +61 408 238 682
email: james.hart@aquas.com.au | ABN 40050539010 |
www.aquas.com.au
AQUAS: enables compliance ~ verifies compliance

Please consider the environment before printing this email.

Hart, James

From: Ellie Randall <ellie.randall@dpi.nsw.gov.au>
Sent: Thursday, 13 August 2020 12:06 PM
To: Hart, James
Subject: Re: AQ1281 Independent Environmental Audit - New Berrima Clay/ Shale Quarry

Hi James,

Thanks for your email, i am not aware of any issues at this site. Please note, however I do not review investigation and enforcement matters relating to major projects. That is another function's responsibility within the NRAR team.

In regards to the audit, NRAR would like to see the following items reviewed:

1. Review of the development consent and compare to relevant management plans (Water/Groundwater Management Plans)
2. Review of Annual Reviews/Annual Return
3. Review of Water Access Licenses, Entitlements and compare to use.
4. Review of any incidents and reporting (i.e. was NRAR notified).

Thanks

Kind regards,

Ellie Randall | Water Regulation Officer
Natural Resources Access Regulator | Water Regulation (East)
Level 0 | 84 Crown Street | Wollongong NSW 2500
PO Box 53 Wollongong NSW 2520
T: +61 2 4275 9308 | F: +61 2 4224 9740
E: ellie.randall@nrar.nsw.gov.au
W: www.industry.nsw.gov.au



From: Hart, James <james.hart@aquas.com.au>
Sent: Thursday, 13 August 2020 11:56 AM
To: ellie.randall@nrar.nsw.gov.au <ellie.randall@nrar.nsw.gov.au>
Subject: AQ1281 Independent Environmental Audit - New Berrima Clay/ Shale Quarry

Hi Ellie,

AQUAS has been engaged to undertake an Independent Environmental Audit of the New Berrima Quarry operated by Austral Bricks. As a requirement of the Independent Environmental Audit process I am seeking feedback from various agencies in regard to any issues that may have arisen or concerns which you may have in relation to the construction operations. These will be included in the audit.

I would appreciate it if you would respond to this email prior to the site audit identifying any issues or concerns you have, or if you have none, please respond and let me know.

Hart, James

From: Greg Kininmonth <greg.kininmonth@planning.nsw.gov.au>
Sent: Wednesday, 9 September 2020 10:46 AM
To: Hart, James
Subject: RE: AQ1281 Independent Environmental Audit - New Berrima Clay/ Shale Quarry

Hi James

My apologies for not responding sooner, I was on extended leave.

I would be interested in receiving a copy of the audit report if that was possible.

Thanks and regards

Greg Kininmonth
Manager Environmental Operations

NSW Resources Regulator | Department of Regional NSW
T 02 4276 7428 | M 0429 168 021 | E greg.kininmonth@planning.nsw.gov.au
Level 3, Block F | 84 Crown Street | Wollongong NSW 2500
PO Box 674 | Wollongong NSW 2500



**Regional
NSW**

The Department of Regional New South Wales acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.



From: Hart, James <james.hart@aquas.com.au>
Sent: Thursday, 13 August 2020 11:55 AM
To: Greg Kininmonth <greg.kininmonth@planning.nsw.gov.au>
Subject: AQ1281 Independent Environmental Audit - New Berrima Clay/ Shale Quarry

Hi Greg,

AQUAS has been engaged to undertake an Independent Environmental Audit of the New Berrima Quarry operated by Austral Bricks. As a requirement of the Independent Environmental Audit process I am seeking feedback from various agencies in regard to any issues that may have arisen or concerns which you may have in relation to the construction operations. These will be included in the audit.