



2016 Annual Review

for the

New Berrima Clay/Shale Quarry Project Approval: PA08_0212

Prepared in Conjunction with:



R.W. CORKERY & CO. PTY LIMITED

Re-issued - June 2017

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2016 Annual Review

for the

New Berrima Clay/Shale Quarry

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Table 1
Title Block

Name of Operation	New Berrima Clay/Shale Quarry
Name of Operator	The Austral Brick Company Pty Limited
Project Approval #	08_0212
Name of holder of Project Approval	The Austral Brick Company Pty Limited
Mining Lease #	M(MO)LA 26
Name of holder of mining lease	The Austral Brick Company Pty Limited
Water licence #	Not Required
Name of holder of water licence	Not Required
MOP/RMP start date	Not Yet Applicable
MOP/RMP end date	Not Yet Applicable
Annual Review start date	1 January 2016
Annual Review end date	31 December 2016
<p>I, Peter Young-Whitford, certify that this audit report is a true and accurate record of the compliance status of The Austral Brick Company Pty Limited for the period 1 January 2016 to 31 December 2016 and that I am authorised to make this statement of behalf of The Austral Brick Company Pty Limited.</p> <p><i>Note.</i></p> <p>a) <i>The Annual Review 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.</i></p> <p>b) <i>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); Section 307A, 307B and 307C (false or misleading application/information/documents – maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Name of authorised reporting officer	Peter Young-Whitford
Title of authorised reporting officer	Raw Materials and Mining Manager
Signature of authorised reporting officer	
Date	13 June 2017

PREAMBLE

This document presents a re-issued version of the 2016 Annual Review requested by the Department of Planning and Environment in correspondence to The Austral Brick Company Pty Limited on 19 May 2017.

The request sought:

- justification as to why certain activities were not undertaken during the reporting period;
- adequate demonstration of noise compliance;
- air quality monitoring results; and
- units of measure in **Table 6**.

The following document addresses each of the above matters.

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1. STATEMENT OF COMPLIANCE

The compliance status of relevant approvals was reviewed for the reporting period and is summarised in **Table 2**.

Table 2
Statement of Compliance - PA08_0212

Were all conditions of the relevant approval(s) complied with?	Yes / No
Project Approval 08_0212	No
Environment Protection Licence 20377	Yes

A total of two minor non-compliances occurred during the reporting period during the physical commencement activities. All activities during this period were undertaken in accordance with Appendix 2 of the approved Environmental Management Strategy, which only included actions required for compliance with the conditions of PA08_0212. A brief summary of these non-compliances and their ranking according to the Department of Planning and Environment's (DPE's) risk matrix is provided in **Table 3**. Further detail regarding the approach to the physical commencement activities and these non-compliances is provided in Section 11 of this document.

Table 3
Non-compliances – PA08_0212

Relevant Approval	Condition #	Condition Description (summary)	Compliance Status	Comment	Where Addressed in Annual Review
PA 08_0212	3(18)	Prepare and implement a Water Management Plan.	Non-compliant	Failure to complete water monitoring in accordance with the Water Management Plan.	11
PA 08_0212	3(32)	Prepare and implement an Aboriginal Heritage Management Plan.	Non-compliant	Failure to invite the Illawarra Local Aboriginal Land Council to monitor soil stripping activities as specified in the Aboriginal Heritage Management Plan.	11

Compliance Status Key

Risk level	Colour code	Description
High	Non-compliant	Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence.
Medium	Non-compliant	Non-compliance with: <ul style="list-style-type: none"> potential for serious environmental consequences, but is unlikely to occur; or potential for moderate environmental consequences, but is likely to occur.
Low	Non-compliant	Non-compliance with: <ul style="list-style-type: none"> potential for moderate environmental consequences, but is unlikely to occur; or potential for low environmental consequences, but is likely to occur.
Administrative non-compliance	Non-compliant	Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions).

2. INTRODUCTION

2.1 OVERVIEW OF OPERATIONS

The New Berrima Clay/Shale Quarry is located approximately 1.5km east of New Berrima in the Southern Highlands region of New South Wales (see **Figure 1**). Project Approval 08_0212 was granted on 6 July 2012 and modified on 26 November 2015. The approved layout of the Site is shown in **Figure 2** with surrounding land ownership and residences shown in **Figure 3**. To date, only physical commencement activities have occurred and full-scale operations have not yet commenced.

2.2 SCOPE AND FORMAT

This Annual Review for the New Berrima Clay/Shale Quarry (“the Quarry”) has been compiled by The Austral Brick Company Pty Limited (“Austral”) in conjunction with R.W. Corkery & Co. Pty Limited.

This is the first Annual Review submitted for the Quarry, and is applicable for the period 1 January to 31 December 2016 (“the reporting period”). The information presented within this Annual Review has been prepared based on information compiled by R.W. Corkery & Co. Pty Limited and provided by Austral.

It should be noted that this Annual Review has been prepared based upon the approval and licencing requirements applicable for the reporting period, however, the report generally follows the format and content requirements identified in the *Annual Review Guideline* dated October, 2015.

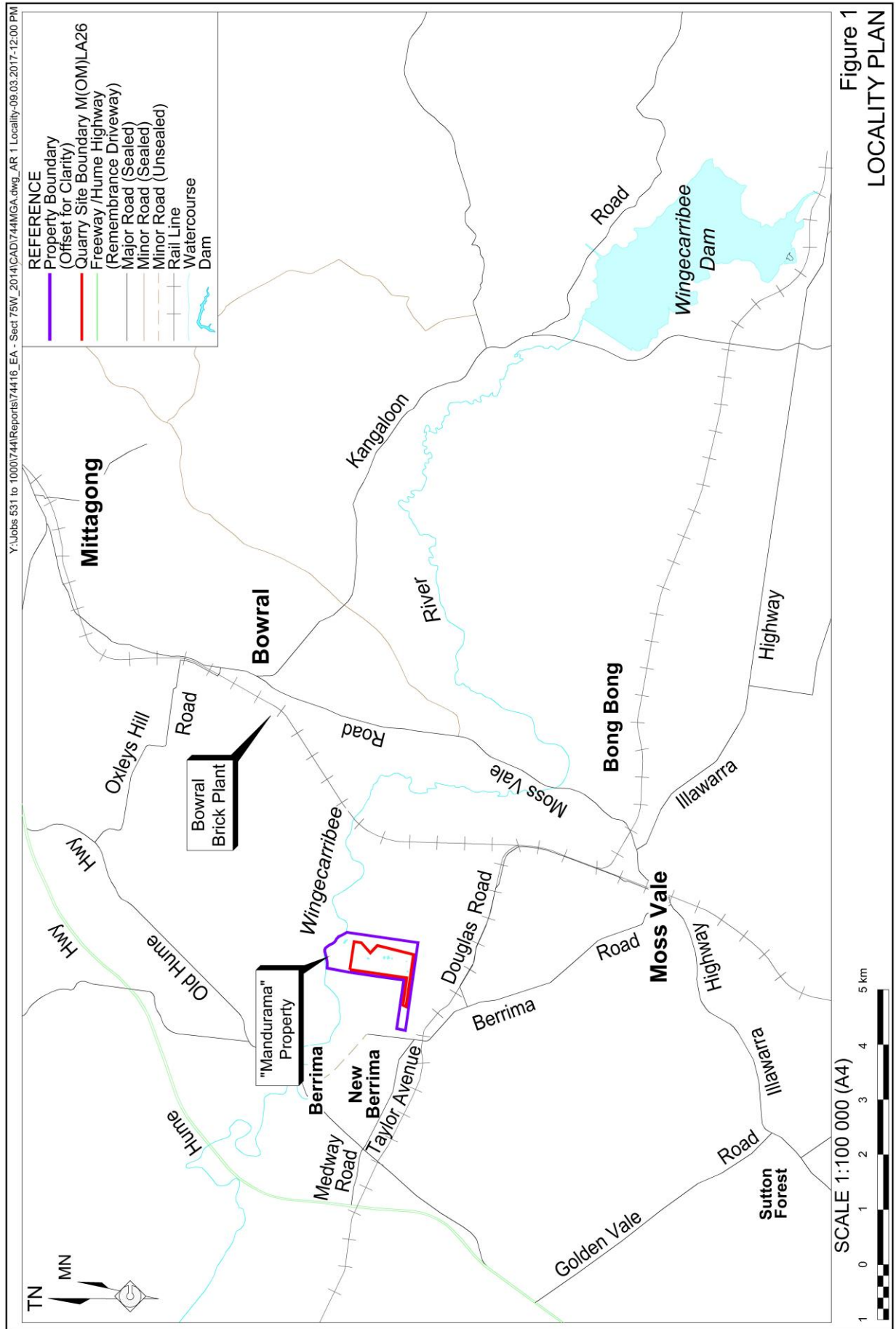
This Annual Review has been compiled in accordance with *Condition 5(4)* of Project Approval 08_0212 and includes relevant information required in accordance with the following conditions of Project Approval 08_0212.

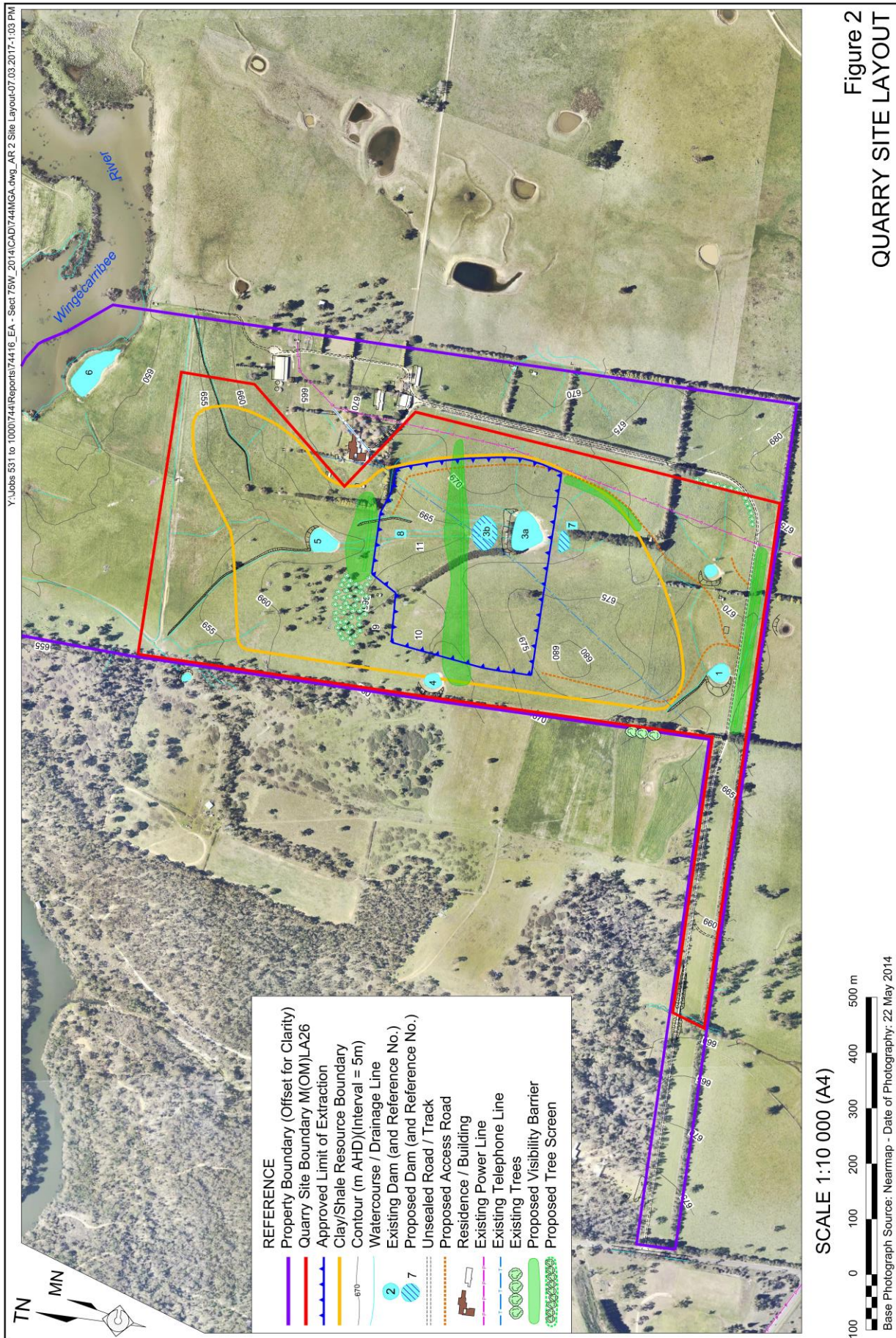
- *Condition 2(15b)*: Production Data.
- *Condition 3(31)*: Waste Management.
- *Condition 5(11a)*: Public Display.

2.3 KEY PERSONNEL CONTACT DETAILS

The key personnel contact names, position and phone numbers are as follows.

Name	Position	24 Hour Contact
Peter Young-Whitford	Mining and Raw Materials Manager	0412 611 714
Cassandra Steppacher	Environmental Officer	0425 341 106





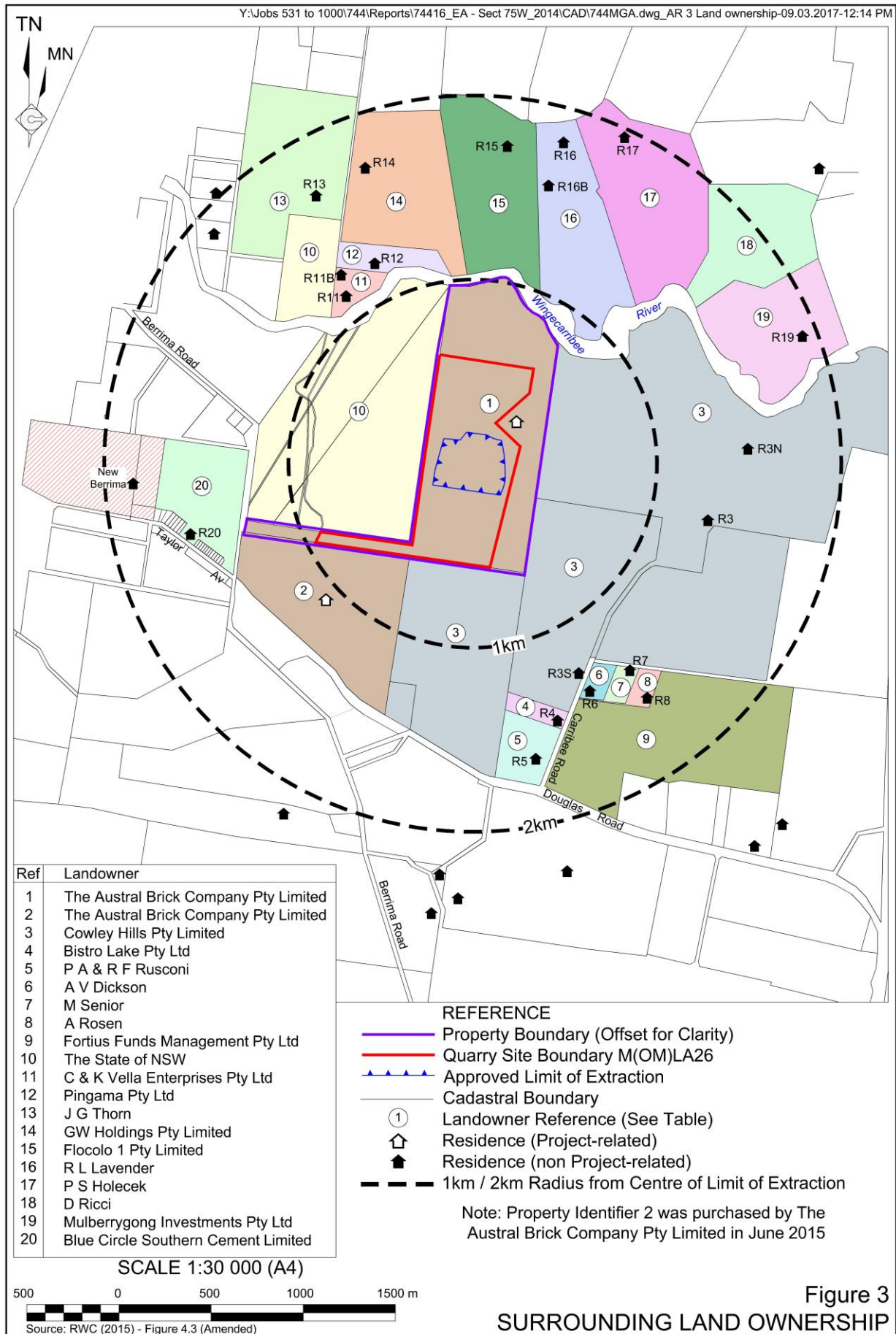


Figure 3
SURROUNDING LAND OWNERSHIP

3. APPROVALS

The Quarry is required to operate in accordance with the project approval and environment protection licence listed in **Table 4**. A modification to Project Approval 08_0212 was approved on 26 November 2015. The modification provided for a changed extraction area within the previously approved Quarry Site Boundary. The modified conditions have been reflected in the compliance review of Project Approval 08_0212 (**Appendix 1**).

Environment Protection Licence (EPL) 20377 was issued by the Environment Protection Authority on 1 August 2016. The compliance review of EPL 20377 is presented in **Appendix 2**.

Table 4
New Berrima Clay/Shale Quarry – Approvals and Licences

Consent/Lease/Licence	Issue Date	Expiry Date	Details / Comments
Project Approval 08_0212	6/07/2012	31/12/2042	Issued by the (then) Minister for Planning and Infrastructure.
	MOD1 - 26/11/2015	31/12/2045	Issued by the (then) Minister for Planning and Infrastructure.
Environment Protection Licence 20377	1/08/2016	Renewed annually	Issued by NSW Environment Protection Authority.

During the reporting period, Austral lodged an application for a Mineral Owners Mining Lease on 25 August 2016 with the Division of Resources and Energy within the Department of Industry. Austral anticipates a lease will be granted during the third Quarter of 2017.

4. OPERATIONS SUMMARY

4.1 EXTRACTION OPERATIONS

Only physical commencement activities were undertaken during the reporting period. These activities were undertaken strictly in accordance with Appendix 2 of the Environmental Management Strategy entitled ‘Actions Required to Achieve Physical Commencement to Operate the New Berrima Quarry’. This appendix only included actions required for compliance with the conditions of PA08_0212 and did not include actions outlined within the approved management plans.

Whilst no extraction of clay/shale was undertaken during the reporting period, the physical commencement activities involving soil stripping was deemed to be the commencement of construction of the central visibility barrier. In accordance with *Condition 2(15)*, **Table 5** provides the production summary.

Table 5
2016 Production Summary – tonnes

Material	Approved limit (specify source)	Previous reporting period (actual)	This reporting period (actual)	Next reporting period (forecast)
Clay Overburden	NA – Retained on Site	0	0	0
Saleable Product (Extractive Material)	150 000t [PA 08_0212 Schedule 2(7)]	0	0	0

It is noted the physical commencement activities undertaken prior to 1 October 2016 were not in accordance with Austral’s work program for two main reasons.

1. During the planning stage with the earthmoving contractor, the bridge across Stony Creek on the internal access road was inspected (as proposed in Section 2.4.3 of the 2010 Environmental Assessment). As a result of the inspection, it was determined that it was inappropriate for large items of earthmoving equipment to be transported across the bridge to the extraction area. Hence, it was necessary to use smaller earthmoving equipment for the physical commencement activities.
2. The protracted rainfall prior to the commencement of activities (see Section 6.3 and **Appendix 3**) meant access around the Quarry Site for earthmoving equipment was either difficult or impossible. The ground conditions were such that even small earthmoving equipment was being bogged.

4.2 OTHER OPERATIONS

During the Reporting Period, Austral undertook some preliminary activities which together constituted physical commencement. These activities were as follows.

Survey and Markout

In accordance with *Condition 3(1)* of Project Approval 08_0212, Austral engaged the registered surveyors “Land Team” to undertake a detailed site survey and marking of the boundaries of the Quarry Site, extraction area boundary and footprints of the southern, central and northern visibility barriers. The survey and marking was undertaken between 12 May 2016 and 18 May 2016, (refer **Plates 1 to 4**).



Plate 1: Quarry Site marker post (orange)
(E744Q_040)

Plate 2: Extraction area marker post (white)
(E744Q_045)



Plate 3: Surplus overburden storage area
marker (white)
(E744Q_011)

Plate 4: Central visibility barrier boundary
marker (white/black and yellow
stripes)
(E744Q_025)



Installation of Meteorological Station

In accordance with *Condition 3(12)* of Project Approval 08_0212, Austral commissioned Carbon Based Environmental Pty Ltd to install a meteorological station at the location shown on **Figure 4**. The installation of the station, protected by a substantial cattle proof fence, was completed on 19 September 2016, (refer **Plate 5**).

Installation of Deposited Dust Gauges and Monitoring

In accordance with *Condition 3(9)* of Project Approval 08_0212, Austral erected three deposited dust gauges at Sites A1, A2 and A3, (refer **Plates 6 to 8**). The locations of the dust gauges are consistent with those nominated in EPL 20377 (see **Figure 4**). Measurement of deposited dust commenced on 20 September 2016.

Installation of Sediment and Erosion Control Measures

Austral engaged Greenaway Pty Limited in October 2016 to install approximately 975m of silt-stop fencing on the downslope side of the proposed areas of disturbance in accordance with erosion and sediment controls presented in the approved Water Management Plan (SEEC, 2016). In addition, hay bale fencing was installed downslope of the preliminary works adjacent to the Quarry entrance.

Land Preparation and Construction

Preliminary topsoil stripping and stockpiling was undertaken within sections of the footprint of the central visibility barrier and adjacent to the Quarry entrance.

Limited vegetation clearing was necessary within the footprint of the central visibility barrier. A section of the exotic windrow traversing the footprint of the central visibility barrier was cleared and set aside for mulching.

Non-operational activities during the reporting period included the following activities.

Documentation

Table 6 provides a register of the documents Austral prepared and submitted to the Department of Planning and Environment (DPE), in accordance with conditions of Project Approval 08_0212.

Table 6
Register of Management Plans and Strategies

Document	PA 08_0212 Condition	Submission Date to DPE	DPE Approval Date
Noise Management Plan	3(8)	18/03/2016	13/05/2016
Air Quality Management Plan	3(11)	18/03/2016	13/05/2016
Water Management Plan	3(18)	18/03/2016	09/06/2016
Transport Management Plan	3(29)	18/03/2016	13/05/2016
Landscape Management Plan	3(35)	18/03/2016	13/05/2016
Aboriginal Heritage Management Plan	3(32)	18/03/2016	13/05/2016
Environmental Management Strategy	5(1)	18/03/2016	13/05/2016



**Plate 5: Meteorological Station
– view to the South
(E744Q_014)**

**Plate 6: Deposited Dust Gauge A1
– view to the North
(E744Q_058)**



**Plate 7: Deposited Dust Gauge A2
– view to the West
(E744Q_066)**

**Plate 8: Deposited Dust Gauge A3
– view to the North
(E744Q_037)**



Environment Protection Licence

Austral applied for and obtained the required Environment Protection Licence (EPL 20377) prior to the commencement of site works (refer **Table 4**).

Community Consultation and Liaison

In accordance with *Condition 5(9)* of Project Approval 08_0212, the community consultative committee was established. The committee held its inaugural meeting on 7 September 2016 and a subsequent meeting was held on 30 November 2016. A copy of the meeting minutes may be accessed via Austral's website under "New Berrima Clay Shale Quarry".

Access to Information

In accordance with *Condition 5(11)* of Project Approval 08_0212, Austral has assembled all required documentation on its website (<http://australbricks.com.au/environmental-monitoring-data/>) under "New Berrima (NSW)" including the following.

- Approvals and Licences.
- Environmental Assessments and related documents.
- Management Plans.
- Monitoring Results.
- Complaints Register.
- Annual Reviews.
- Community Consultative Committee Minutes.

4.3 NEXT REPORTING PERIOD

4.3.1 Operational Activities

Operational activities planned to be undertaken during the next reporting period will be as follows.

Aboriginal Heritage Inspection

A member of the Illawarra Local Aboriginal Land Council will be invited to attend the site during May 2017 and conduct a survey of the areas stripped during physical commencement activities.

Land Preparation and Construction

Construction of the visibility barriers is planned to commence towards the end of the next reporting period.

Rehabilitation

No areas will become available for final rehabilitation within and adjacent to the extraction area during the next reporting period. However, general property maintenance, including weed control and slashing, will be undertaken, as required.

Revegetation of the visibility barriers will be undertaken in accordance with the measures detailed in the approved Landscape Management Plan.

Extraction

It is noted that no clay/shale extraction operations are proposed during the next reporting period.

Monitoring

The following monitoring will be conducted during the next reporting period.

- Meteorological conditions.
- Surface water quality.
- Dust deposition.
- Noise levels.

4.3.2 Non-operational Activities

Non-operational activities planned to be undertaken during the next reporting period will be as follows.

Community Consultation and Liaison

The community consultative committee will hold its next meeting on 29 March 2017 at 5:00pm. A further meeting will be convened during September 2017.

Preparation and Lodgement of Road Construction Plans

Austral will commission engineers to prepare the plans necessary to achieve approval from the Wingecarribee Shire Council for the road upgrading works on Berrima Road near the entrance to the Quarry.

Modification of Project Approval PA08_0212

Austral proposes to lodge an application to modify PA08_0212 for the following minor adjustments within the Quarry Site.

1. Replacement of the bridge over Stony Creek.
2. Re-alignment of the western access road.
3. Repositioning of the site office, amenities and storage container.
4. Installation of underground power and removal of a section of overhead power line.

Review of Management Plans

The approved management plans will be reviewed prior to the commencement of site establishment and operational activities. This review will consider the outcomes of the proposed modification of Project Approval PA08_0212 and the results of environmental and Aboriginal heritage monitoring.

Mineral Owners Mining Lease and Mining Operations Plan

Austral anticipates the receipt of a Mineral Owners Mining Lease in the third quarter of 2017. The receipt of that licence will require a Mining Operations Plan to be lodged with the Division of Resources and Geoscience within the DPE.

5. ACTIONS REQUIRED FROM PREVIOUS ANNUAL REVIEW

The 2016 Annual Review is the first Annual Review to be submitted for the New Berrima Clay/Shale Quarry. Therefore, no actions from a previous Annual Review are available.



6. ENVIRONMENTAL PERFORMANCE

6.1 INTRODUCTION

A summary of environmental performance for the principal environmental aspects is provided in **Table 7**. Given only limited physical commencement activities were carried out, no complaints were received and therefore no specific management measures were deemed necessary and no trends have been identified.

Table 7
Relevant Environmental Performance Aspects

Page 1 of 2

Aspect	Approval criteria/ (EIS prediction)	Performance during the reporting period	Trend/key management implications	Implemented management actions
Noise (Barrier construction)	43dB(A) during the day at receiver R2. 38dB(A) at all other receivers.	No major construction activities were undertaken and no complaints were received during the physical commencement activities.	No trends identifiable. Currently no management implications.	No specific management measures implemented or currently proposed. Noise monitoring planned during the construction of the central visibility barrier when the full equipment fleet is on site.
Noise (operations)	38dB(A) at all receivers.	No operational activities were undertaken and no complaints were received during the physical commencement activities.	No trends identifiable. Currently no management implications.	No specific management measures implemented or currently proposed. Noise monitoring planned during the construction of the central visibility barrier when the full equipment fleet is on site.
Air Quality	PM ₁₀ 24hr = 50µg/m ³ PM ₁₀ Annual = 30µg/m ³ TSP Annual = 90µg/m ³	No major construction activities were undertaken and no complaints were received during the physical commencement activities.	In accordance with the approved Air Quality Management Plan, monitoring of deposited dust is conducted as a surrogate for the demonstration of compliance with PM ₁₀ and TSP criteria. No exceedances of deposited dust criteria or trends identifiable. Currently no management implications.	No specific management measures implemented or currently proposed. Monthly deposited dust monitoring will continue in accordance with the Air Quality Management Plan.
	Dep Dust Annual = 4g/m ² /month	Location A1 = 2.2g/m ² /month Location A2 = 1.1g/m ² /month Location A3 = 2.3g/m ² /month	No exceedances of criteria or trends identifiable. Currently no management implications.	Monthly deposited dust monitoring will continue.
Biodiversity	No significant impacts predicted.	No operational activities or activities relating to biodiversity aspects occurred.	No trends identifiable. Currently no management implications.	No specific management measures implemented or currently proposed.

Table 7 (Cont'd)
Relevant Environmental Performance Aspects

Page 2 of 2

Aspect	Approval criteria/ (EIS prediction)	Performance during the reporting period	Trend/key management implications	Implemented management actions
Water	Implement Water Management Plan. Satisfy EPL discharge criteria.	No major construction activities were undertaken. Erosion and sediment control measures installed in accordance with approved plan.	No trends identifiable. Currently no management implications.	No specific management measures implemented or currently proposed. Routine water monitoring commenced in May 2017.
Landscape and Visual	Implement Landscape Management Plan.	No major construction activities were undertaken. Soil stockpiling was commenced in accordance with approved plan.	No trends identifiable. Currently no management implications.	No specific management measures implemented or currently proposed.
Heritage	Implement Aboriginal Cultural Heritage Management Plan.	No major construction activities were undertaken.	No trends identifiable. Currently no management implications.	Survey of topsoil stripping areas (post initial stripping and in conjunction with further topsoil stripping (subject to ILALC advice)).

6.2 METEOROLOGICAL MONITORING

Condition 3(12) requires that a meteorological station operate in the vicinity of the Quarry Site for the life of the Quarry. As noted in Section 4.2, Austral installed a meteorological station (location shown on **Figure 4**), in September 2016. The meteorological station installed complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline.

The meteorological station currently monitors the following parameters.

- Temperature (at 2m and 10m above ground level).
- Wind Speed and Direction (at 10m above ground level).
- Rainfall.
- Solar Radiation.
- Barometric Pressure.

The meteorological records displayed in **Appendix 3** incorporate rainfall data drawn from the Moss Vale BOM Station, 6.2km west-southwest from the Quarry Site. This data has been incorporated to identify the extent of rainfall that occurred in the months leading up to the commencement of physical commencement activities. Almost 500mm of rain was recorded from 1 June 2016 to 19 September 2016 when the physical commencement activities started.

Figure 5 provides the wind rose generated from data collected by the Quarry's meteorological station from the 18 September 2016 (date of meteorological station commissioning) through 31 December 2016.

A summary of the data collected at the Quarry's meteorological station is presented in **Appendix 3**.

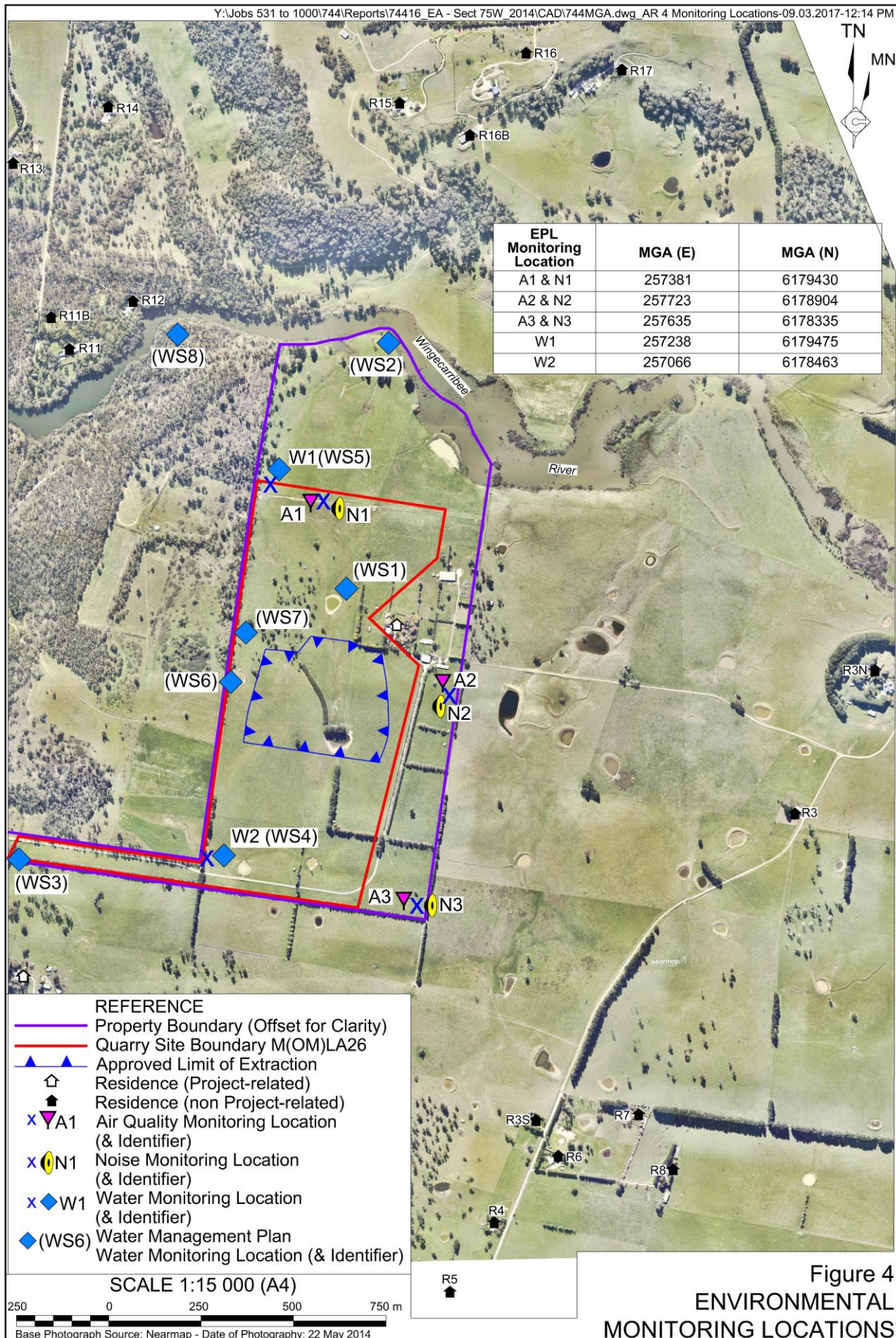


Figure 4
 ENVIRONMENTAL
 MONITORING LOCATIONS

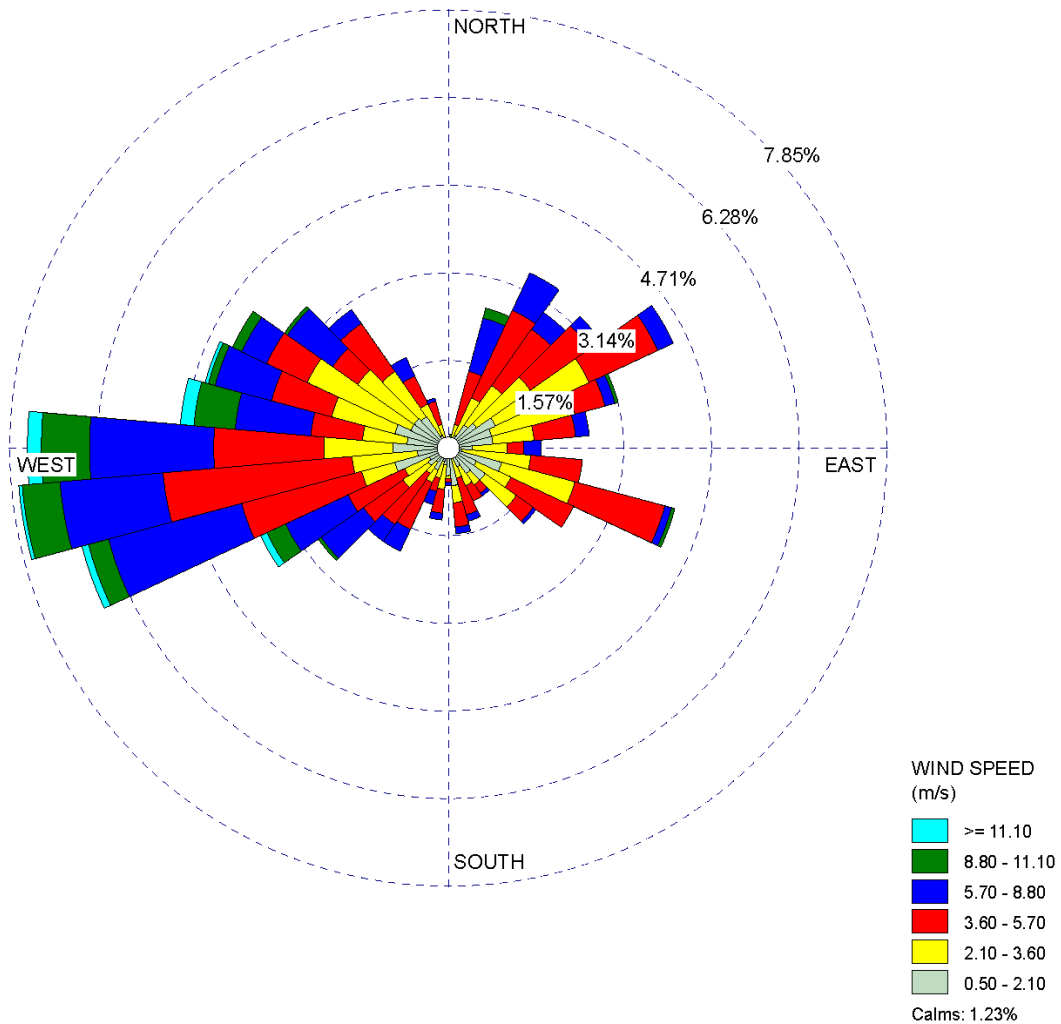


Figure 5
WIND ROSES FOR NEW BERRIMA CLAY/SHALE QUARRY:
18 SEPTEMBER 2016 TO 31 DECEMBER 2016

6.3 AIR QUALITY

As noted in Section 4.2, Austral erected three deposited dust gauges at Sites A1, A2 and A3, with measurement of deposited dust commencing on 20 September 2016. The results of the dust monitoring are summarised in **Table 8**. Due to a focus upon meeting conditional requirements for physical commencement, the bottles were not collected monthly. The monthly average insoluble solids over the period ranged from 0.6g/m²/month to 2.2g/m²/month, i.e. well below the relevant criteria. Austral has now implemented a program that will ensure dust gauge bottles are collected on a monthly basis during future monitoring.

Table 8
Deposited Dust Monitoring Results

Month	Monthly Dust Deposition Rate (g/m ² /month) ¹					
	A1		A2		A3	
	Ash	Insoluble	Ash	Insoluble	Ash	Insoluble
September 2016- November 2016	0.5	2.2	- ²	- ²	0.3	0.6
November 2016 – January 2017					1.1	1.8

Notes: 1. Rate calculated by ALS using the number of days of sampling and converting to a monthly rate.
2. Dust gauge damaged and sample invalidated.

7. WATER MANAGEMENT

With the exception of existing water storages located on the Quarry Site capturing surface water runoff, no water was accessed or obtained for the purpose of facilitating Quarry operations. No water management structures other than erosion and sediment controls were constructed during the reporting period.

8. REHABILITATION

8.1 REHABILITATION PERFORMANCE DURING THE REPORTING PERIOD

Table 9 provides a summary of the disturbance and rehabilitation areas.

Table 9
Summary of Areas Disturbed and Rehabilitation

Quarry Area Type	Previous Reporting Period (Actual) ²	This Reporting Period (Actual) ²	Next Reporting Period (Forecast) ²
Total Quarry footprint	0	0	0
Total active disturbance	0	1.0 ¹	2.9 ¹
Land being prepared for rehabilitation	0	0	2.9 ¹
Land under active rehabilitation	0	0	2.9 ¹
Completed rehabilitation	0	0	0
Notes 1: Relates to visibility barrier construction, stabilisation and vegetation 2: All areas recorded in hectares (ha) 3: This table was previously titled Table 6 in the Annual Review dated March 2017			

Disturbance on site currently consists of the preliminary topsoil removal from sections of the central visibility barrier, adjacent to the Quarry entrance and to surplus overburden stockpile area. No temporary or permanent rehabilitation activities were undertaken during the reporting period.

8.2 ACTIONS FOR THE NEXT REPORTING PERIOD

Rehabilitation planned during the next reporting period would be confined to the placement of topsoil on the constructed visibility barriers and revegetation of the completed surfaces of the barriers.

9. COMMUNITY

No complaints were received during the reporting period.

With the exception of the establishment of the Community Consultative Committee (CCC) and the committee meetings held, no specific community engagement activities or actions occurred during the reporting period.

Two meetings of the CCC were held in 2016, namely on 7 September 2016 and 30 November 2016. A copy of the CCC meeting minutes are posted on Austral's website (<http://australbricks.com.au/environmental-monitoring-data/>) under "New Berrima (NSW)".

10. INDEPENDENT AUDIT

No independent audit was undertaken during the reporting period. In accordance with *Condition 5(9)*, the first independent audit is required within 1 year of the commencement of development on the Site, i.e. by 17 September 2017. It is noted that extraction of clay/shale did not commence during the reporting period and is not planned to commence during the next reporting period.



11. INCIDENTS AND NON-COMPLIANCES DURING THE REPORTING PERIOD

11.1 INTRODUCTION

During the reporting period there were no:

- reportable incidents or exceedances; or
- show cause notices, official cautions, warning letters, penalty notices or prosecution proceedings.

The DPE Compliance Unit visited the Quarry Site on 20 October 2016 and undertook an inspection and compliance audit of the physical commencement activities undertaken prior to 1 October 2016. The objectives of the DPE's compliance audit were to:

- review compliance with the conditions of the Project Approval and identify areas where data gaps were present or proponent non compliances were likely; and
- assess the environmental performance of each operation and the ability of each quarry's environmental management systems and controls specifically relating to any areas identified through the desktop review or subsequent site inspection.

The DPE's assessment of compliance was against the selected Project Approval conditions, given that quarrying operations have not yet commenced, with particular focus on conditions required to be satisfied prior to the carrying out of any development on site.

The Department advised that the following compliance matters, typical of a compliance audit, were specifically excluded from the scope of the audit: Environment Protection Licence (EPL) conditions, Mining Lease (ML) conditions and other licences, such as Water Access Licence conditions.

The key conclusions arising from the Compliance Unit's inspection were as follows.

“... that the site was operating generally in compliance with the conditions of the Project Approval.

... Whilst no non-compliances were identified during the site inspection, a number of recommendations were made in relation to actions required to ensure continuing compliance.”

It is noted that the DPE's inspection did not include a complete review of compliance against the commitments in the management plans. As discussed in Section 1, two non-compliances with Project Approval 08_0212 were identified during Austral's review of compliance and were self-reported through the 2016 Annual Review. Both non-compliances relate to failure to fully implement monitoring components of Management Plans prepared following the issue of Project Approval. All requirements and tasks are now proposed to be captured in our internal monthly checks which form part of Austral's overall Environmental Management System.

Further details relating to Austral's approach to planning and execution of the physical commencement activities and each non-compliance are provided in Section 11.2 together with Austral's actions to avoid any re-occurrence of the subject non-compliances. Discussion is also provided in this section regarding the reasons why no noise monitoring was undertaken during the reporting period.

11.2 NON-COMPLIANT CONDITIONS

11.2.1 Approach to Physical Commencement Activities

Prior to the commencement of physical commencement activities, Austral assembled a comprehensive checklist drawing upon the actions included in Appendix 2 of the Environmental Management Strategy entitled ‘Actions Required to Achieve Physical Commencement to Operate the New Berrima Quarry’ prepared through R.W. Corkery & Co Pty Limited. Due to reliance upon this checklist, which only included actions required for compliance with the conditions of PA08_0212, certain actions outlined within the approved management plans were not undertaken.

11.2.2 Condition 3(18) – Water Management Plan

Non-compliance

The baseline water monitoring that was proposed to occur during the reporting period did not occur due to a focus upon compliance with specific conditional requirements for physical commencement only. As a result, this aspect of the Water Management Plan was unintentionally not implemented.

Whilst non-compliant with the commitments set out in the Water Management Plan, the delay in the commencement of baseline monitoring will not compromise any environmental objectives given the corresponding delay in the proposed construction of the on-site visibility barriers and subsequent operational activities. The collection of monthly water monitoring from May 2017 will still provide a substantial period of data prior to commencement of activities which carry a risk of impacting upon water quality.

It is noteworthy that no environmental harm is considered to have occurred due to the minor nature of the physical commencement works and the appropriate installation of sediment controls. As part of DPE’s compliance inspection on 20 October 2016, it was noted that, at the time of the audit, erosion and sediment controls were observed to be appropriately installed.

Austral’s Action

Following identification of this issue by the DPE on 19 May 2017, Austral commenced monthly monitoring in May 2017 in the manner proposed in Section 11.3.1.1 of the Water Management Plan. The results from the initial sampling are posted on Austral’s website (<http://australbricks.com.au/environmental-monitoring-data/>) under “New Berrima (NSW)”.

Austral will continue to collect water quality data on a monthly basis to establish a baseline database prior to the commencement of the construction of the central visibility barrier. This data will be reviewed and a realistic program for ongoing monitoring included in the updated Water Management Plan.

11.2.3 Condition 3(32) – Aboriginal Heritage Management Plan

Non-compliance

The planned monitoring by a representative of the Illawarra Local Aboriginal Land Council (ILALC) did not occur before or in conjunction with the physical commencement activities

commenced. As for water monitoring, focus was placed upon satisfying specific conditional requirements for enabling physical commencement. As a result, this aspect of the Aboriginal Heritage Management Plan was unintentionally not implemented.

Austral's Action

Following the identification of this issue by the DPE on 19 May 2017, the ILALC was invited to the Quarry Site and undertook an inspection on 6 June 2017 of the limited areas stripped of topsoil and soil stockpiles. The inspection was undertaken in conjunction with a Principal Archaeologist from Biosis Pty Ltd. A copy of the letter reports prepared by Biosis and the ILALC are provided in **Appendix 4**.

Important outcomes and conclusions arising from the inspection and discussion are as follows.

- Neither Project Approval 08_0212 nor the 2010 Cultural Heritage Assessment require or recommended completion of site monitoring during soil stripping. This was included within the Aboriginal Heritage Management Plan as an additional due diligence measure.
- Undertaking the inspection at the time of the soil stripping would not have resulted in a different outcome.
- One isolated stone artefact was located within the footprint of the central visibility barrier in an area stripped of topsoil and which had been exposed to rainfall subsequent to the soil stripping campaign. The identification of an artefact of this kind is consistent with the predictive statements made as part of the 2010 Cultural Heritage Assessment. The artefact is considered not to be of high Aboriginal significance and the potential for further artefacts to be present was assessed as low.
- The ILALC recommend the presence of Indigenous representatives during future soil stripping works is not required but to be notified if any further artefacts are located.
- Based on the recommendations of the ILALC and Biosis, it is planned that the Aboriginal Heritage Management Plan be reviewed by Biosis and updated to reflect the recommendations arising from the inspection.

As a result of the inspection by the ILALC and Biosis, whilst Austral was not compliant with the Aboriginal Heritage Management Plan, it is assessed that no harm has occurred and the outcomes are no different than if monitoring had of been undertaken immediately prior to or during soil stripping.

11.3 ADDITIONAL MATTERS RAISED BY DPE

DPE has also requested confirmation as to why noise monitoring was not undertaken during the soil stripping activities that occurred during the reporting period and to demonstrate that the barrier construction noise criteria specified in *Condition 3(4)* of Project Approval 08_0212 was complied with.

As discussed in Section 4.2, during the reporting period, preliminary topsoil stripping was undertaken within approximately 30% of the footprint of the Central Visibility Barrier

(<1 000m³ of topsoil). This activity was undertaken over a period of three days (two successive days and one additional day, three days later) with topsoil pushed to the northern side of the barrier footprint using a D6 bulldozer. However, no ‘barrier construction’ occurred. Other physical commencement activities also involved the use of small items of equipment such as a bobcat, i.e. similar to agricultural equipment used on surrounding properties.

As outlined within the Environmental Assessment (RWC, 2015), construction of the Central Visibility Barrier will involve the extraction and haulage of approximately 90 000m³ of overburden material using a scraper (e.g. Cat 637 – Sound Power Level (SWL) 118dB(A)) and formation of the barrier using a bulldozer (e.g. Cat D10 - SWL 116dB(A)) to a height of approximately 12m above ground level. This will occur over a period of approximately 3 to 6 months. Given that the much smaller D6 bulldozer that was utilised during physical commencement activities would have a SWL of between approximately 106dB(A) and 110dB(A) and was restricted to ground level, the received noise levels at surrounding receivers would be substantially lower than those predicted for the D10 bulldozer and scraper operating at elevated positions.

Excluding any reduction in received noise as a result of equipment working at ground level compared to 12m above ground level, as the SWL of the D6 bulldozer was at least 8dB(A) lower than the scraper alone, the received noise level at surrounding residences would similarly be approximately 8dB(A) lower than those predicted within the 2015 assessment, i.e. the received noise levels during physical commencement would have been up to approximately 31dB(A).

As a result, the potential for noise impacts from the limited soil stripping undertaken is considered to be minimal. Further, the Noise Management Plan commits to undertaking quarterly compliance monitoring during the construction period. Austral’s intent of the planned monitoring is not to monitor low intensity short term activities but rather to monitor during a period representative of the construction activities. Consequently, noise monitoring is planned to be undertaken within the first 3 months of construction activities for the central visibility barrier at a representative time when all equipment is operational.

As displayed on **Figure 3**, the property on which residence R2 is located was purchased by Austral in 2015 and is now considered project-related. Therefore, the applicable noise criteria during barrier construction at the remaining residences is 38dB(A).

Given that the predicted noise level at surrounding residences during the period of use of a D10 bulldozer and Cat 637 scraper was compliant with the nominated noise criteria, then an appropriate deduction would be that the use of a smaller (and quieter) bulldozer would be less audible at the residences. Hence, the noise levels experienced at surrounding residences would have been substantially below the criteria and the fact that no noise complaints were received, it is considered that noise during the reporting period remained in compliance with Project Approval 08_0212.

12. ACTIVITIES TO BE COMPLETED IN THE NEXT REPORTING PERIOD

As discussed in Section 4.3, limited land preparation and barrier construction activities will occur during the next reporting period with extraction of clay/shale not expected to commence until the subsequent reporting period. No final rehabilitation activities will be able to be completed during the next report period. Revegetation of the visibility barriers will be undertaken in accordance with the measures detailed in the approved Landscape Management Plan.

The Community Consultative Committee will hold two meetings during the next reporting period.

All required monitoring will be undertaken in accordance with the approved management plans.

All management plans will be reviewed and, where appropriate, amended to reflect on-site experience or any other relevant matter.

Appendices

(Total No. of pages including blank pages = 36)

- Appendix 1 Compliance Review of Project Approval
08_0212 (12 pages)
- Appendix 2 Compliance Review of Environment
Protection Licence 20377 (8 pages)
- Appendix 3 Meteorological Data Recorded during 2016
(4 pages)
- Appendix 4 Correspondence Regarding an Aboriginal
Site Inspection – 6 June 2017 (10 pages)



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Appendix 1

Compliance Review of Project Approval 08_0212

(Total No. of pages including blank pages = 12)



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Table A1-1
Internal Compliance Audit of Relevant Development Consent Conditions
for New Berrima Clay/Shale Quarry for the 2016 Reporting Period

Page 1 of 10

Condition No.	Paraphrased Requirement	Compliance	Comment	Basis*
SCHEDULE 2: GENERAL ADMINISTRATION CONDITIONS				
Obligation to Minimise Harm to the Environment				
2/1	Implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment.	Yes	Ongoing Monitoring.	D
Terms of Approval				
2/2	Carry out the development in accordance with the:			
	a) EA	Yes	Monitoring and Reporting.	D
	b) EA Mod 1;	Yes	Monitoring and Reporting.	D
	c) Statement of Commitments; and	Yes	Monitoring.	D
	d) Conditions of this approval.	Yes	Management Plans.	D
2/3	The most recent document shall prevail to the extent of the inconsistency.	Yes	Amendment to proposal as Project Approval PA08_0212	D
2/4	Comply with any reasonable requirements of the Secretary.	NYA	No requirements received from the Secretary.	A
Limits on Approval				
Quarrying Operations				
2/5	Consent shall lapse 31 December 2045.	NYA	Not yet due.	-
Extractive Material Extraction				
2/6	No development in the extraction area below the level of 640m AHD.	NYA	Quarry operations yet to commence.	O
2/7	Extract not more than 150 000 tonnes of extractive materials from the site in any calendar year.	NYA	Quarry operations yet to commence.	O
Extractive Material Transport				
2/8	Not transport more than:			
	a) 150,000 tonnes of product from the site in any calendar year;	NYA	Quarry operations yet to commence.	O
	b) 68 laden trucks from the site in a day; and	NYA	Quarry operations yet to commence.	O
	c) 8 laden trucks from the site in an hour.	NYA	Quarry operations yet to commence.	O
2/9	Only transport extractive material on the haul route.	NYA	Quarry operations yet to commence.	O
Structural Adequacy				
2/10	All buildings, structures, alterations or additions to existing buildings and structures, are constructed in accordance with the BCA.	NYA	No buildings, structures, etc. have yet been established on site.	O
NYA = Not Yet Applicable NA = Not Applicable ND = Not Determined D = Documentation Sighted A = Advised by Austral Employee O = Observation during audit Yes = Complied with during Reporting Period No = Not complied with during Reporting Period * = Basis for assessment of compliance ® Compliance unable to be determined until a response is provided by the Director-General or relevant agency				

Table A1-1 (Cont'd)
Internal Compliance Audit of Relevant Development Consent Conditions
for New Berrima Clay/Shale Quarry for the 2016 Reporting Period

Page 2 of 10

Condition No.	Paraphrased Requirement	Compliance	Comment	Basis*
SCHEDULE 2: GENERAL ADMINISTRATION CONDITIONS (Cont'd)				
Demolition				
2/11	Ensure that all demolition work on site is carried out in accordance with AS 2601-2001	NYA	No demolition undertaken in 2016.	O
Protection of Public Infrastructure				
2/12	Pay costs to repair or relocate any public infrastructure.	NYA	No infrastructure required to relocate.	O
Operation of Plant and Equipment				
2/13	The Proponent shall ensure that all plant and equipment used at the site is:			
	a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.	Yes Yes	Suitably equipped contractors engaged. Suitably equipped contractors engaged.	A A
Production Data				
2/15	The Proponent shall:			
	a) provide annual quarry production data to DRE using the standard form for that purpose; and b) include a copy of this data in the Annual Review (see condition 4 of schedule 5).	NYA NYA	Quarry operations yet to commence. Quarry operations yet to commence.	O O
SCHEDULE 3: ENVIRONMENTAL PERFORMANCE CONDITIONS				
Identification of Boundaries				
3/1	Survey and submit plans to the Secretary before development.	Yes	Plans submitted on 18 March 2016.	D
3/2	Ensure these boundaries are clearly marked at all times to clearly identify the limits of extraction.	Yes	All relevant boundaries are marked with posts at nominated locations (see examples in Plates 1 to 4).	O
NOISE				
Bund Construction				
3/3	Construct the Visibility Barriers prior to carrying out any quarrying operations on site.	NYA	Only limited soil stripping has occurred to date within the footprint of the central visibility barrier.	O
Visibility Barrier and Stockpile Dimensions				
3/3a	The Visibility Barriers and surplus overburden stockpile) must be constructed to meet the dimensions specified in Table 1A.	NYA	Construction of the barriers has not yet commenced.	O
Noise Criteria – Bund Construction				
3/4	During the construction of the Visibility Barriers, ensure the noise generated does not exceed the criteria in Table 1.	NYA	Construction of the barriers has not yet commenced.	O
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Table A1-1 (Cont'd)
Internal Compliance Audit of Relevant Development Consent Conditions
for New Berrima Clay/Shale Quarry for the 2016 Reporting Period

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Condition No.	Paraphrased Requirement	Compliance	Comment	Basis*
SCHEDULE 3: ENVIRONMENTAL PERFORMANCE CONDITIONS (Cont'd)				
Noise Criteria				
3/5	Ensure that noise generated by the project does not exceed 38dB(a) LAeq (15min) at any residence on privately-owned land.	NYA	Quarry operations yet to commence.	O
Hours of Operations				
3/6	Comply with the operating hours in Table 2.	Yes	Physical commencement activities were undertaken within the nominated hours of operation.	A
Operating Conditions				
3/7(a)	Minimise construction, operational, low frequency and traffic noise of the project;	Yes	Minimal noise was generated during the physical commencement activities.	A
3/7(b)	Minimise noise impacts during meteorological conditions when the noise limits in this approval do not apply;	NYA	Applicable conditions have not yet occurred	A
3/7(c)	Maintain the effectiveness of noise suppression equipment on plant and ensure defective plant is not used operationally.	Yes	All equipment used during the physical commencement activities were appropriately controlled.	A
3/7(d)	Assess noise monitoring data and relocate, modify, and/or stop operations on site to ensure compliance.	NYA	No data yet assembled.	A
Noise Management Plan				
3/8	Prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary.	Yes	The Plan was submitted to the Secretary on 18 March 2016 and approved on 13 May 2016. The noise monitoring component of the Noise Management Plan will be implemented during the planned barrier construction when the entire equipment fleet is operational.	D
Air Quality				
Air Quality Criteria				
3/9	Ensure particulate matter emissions generated on site do not exceed the criteria in Table 3 at any residence or on more than 25% of any privately-owned land.	NYA	Quarry operations able to generate dust are yet to commence	O
Operating Conditions				
3/10(a)	Implement best management practice to minimise the dust emissions of the project.	NYA	Quarry operations able to generate dust are yet to commence	O
3/10(b)	Assess air quality monitoring data and relocate, modify, and/or stop operations.	Yes	Deposited dust monitoring data complies with nominated criteria	D
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Table A1-1 (Cont'd)
Internal Compliance Audit of Relevant Development Consent Conditions
for New Berrima Clay/Shale Quarry for the 2016 Reporting Period

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Condition No.	Paraphrased Requirement	Compliance	Comment	Basis*
SCHEDULE 3: ENVIRONMENTAL PERFORMANCE CONDITIONS (Cont'd)				
Operating Conditions (Cont'd)				
3/10(c)	Minimise air quality impacts of the project during adverse meteorological.	NYA	No adverse conditions have yet occurred	A
3/10(d)	Minimise visible off-site air pollution.	Yes	Physical commencement activities did not yield dust due to above average rainfall.	A
3/10(e)	Minimise the surface disturbance of the site.	Yes	Disturbance during the physical commencement activities were confined to the approved disturbance areas.	A
Air Quality Management Plan				
3/11	Prepare and implement an Air Quality Management Plan for the project to the satisfaction of the Secretary.	Yes	The Plan was submitted to the Secretary on 18 March 2016 and approved on 13 May 2016.	D
Meteorological Monitoring				
3/12	Ensure that a suitable meteorological station is in the vicinity of the site.	Yes	A station was established on site on 19 September 2016 (see Plate 5)	O
Soil and Water				
Riparian Buffer Distance				
3/13	Maintain a minimum buffer distance of 515 metres between extraction area and Wingecarribee River.	Yes	No activities occurred within the nominated buffer during the reporting period.	A
Surface Water Discharging				
3/14	Ensure surface water discharges from the site comply with the EPL	NYA	No water discharges occurred during the reporting period.	A
Surface Water Supply				
3/15	Ensure sufficient water for all stages of the project.	NYA	Quarry operations yet to commence.	O
On-Site Sewerage Management				
3/16	Manage on-site sewage to the satisfaction of Council and EPA.	NYA	Toilet facilities/amenities not yet established on site.	O
Storage of Chemicals & Petroleum Products				
3/17	Ensure all chemicals and/or petroleum products on site are stored in accordance with Australian Standard AS1940-2004 and DECC's <i>Storing and Handling Liquids: Environmental Protection - Participants Manual</i> .	NYA	No chemicals or petroleum products were stored on site during the reporting period	A
Water Management Plan				
3/18	Prepare and implement a Water Management Plan for the project to the satisfaction of the Secretary.	No	The Plan was submitted to the Secretary on 18 March 2016 and approved on 9 June 2016. Water monitoring nominated in the Plan did not commence in July 2016 as nominated in the Plan but will commence in May 2017. Therefore the plan has not been fully implemented.	D
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Table A1-1 (Cont'd)
Internal Compliance Audit of Relevant Development Consent Conditions
for New Berrima Clay/Shale Quarry for the 2016 Reporting Period

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Condition No.	Paraphrased Requirement	Compliance	Comment	Basis*
SCHEDULE 3: ENVIRONMENTAL PERFORMANCE CONDITIONS (Cont'd)				
Groundwater Monitoring				
3/18a	Install 3 pairs of nested piezometers prior to the quarry pit floor reaching 660m AHD to the satisfaction of the Secretary.	NYA	The 660m AHD level has not yet been reached.	O
Visual				
Establishment of Effective Vegetative Screens				
3/19	Vegetate the Visibility Barriers as soon as practicable after the completion of the construction. of the bunds, to the satisfaction	NYA	Barriers not yet constructed.	O
3/19(a)	Establish a 0.68 ha tree screen adjacent to the Northern Visibility Barrier prior to the transport of product from the Site.	NYA	Not yet established	O
Advertising				
3/20	Not erect or display any advertising structure(s) or signs on the site without the written approval of the Secretary.	NYA	No advertising structures are required for the quarry.	O
Operating Conditions				
3/21(a)	Implement measures to minimise the visual impacts and any off-site lighting impacts of the project.	NYA	Minimal use of lighting on site is anticipated.	A
3/21(b)	Maintain the effectiveness of the barriers and vegetative screens over the life of the project.	NYA	Barriers not yet constructed	O
Transport				
Road Upgrades (Local Roads)				
3/23	Prior to transporting any extractive material from the site:			
3/23(a)	Construct the junction of the site access road with Berrima Road to standard for a 19m semi-trailer.	NYA	Construction has not yet commenced.	O
3/23(b)	Construct a raised concrete median in Berrima Road on the south bound approach to its junction with MR372.	NYA	Construction has not yet commenced.	O
3/23(c)	Provide appropriate traffic signage and line-marking in accordance with AUSTRROADS.	NYA	Construction has not yet commenced.	O
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Table A1-1 (Cont'd)
Internal Compliance Audit of Relevant Development Consent Conditions
for New Berrima Clay/Shale Quarry for the 2016 Reporting Period

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Condition No.	Paraphrased Requirement	Compliance	Comment	Basis*
SCHEDULE 3: ENVIRONMENTAL PERFORMANCE CONDITIONS (Cont'd)				
Road Upgrades (Main Roads)				
3/24	Prior to transporting any extractive material from the site:			
3/24(a)	Construct the Berrima Road / Taylor Avenue junction to give priority to MR372 incorporating treatments for a 19m semi-trailer unless alternative superior treatment is planned.	NYA	Council proposes to construct a roundabout at the road junction – Austral will submit funds once construction is completed.	A
3/24(b)	Provide appropriate signage and line-marking, in accordance with AUSTROADS.	NYA	Construction has not yet commenced.	A
Transport Route				
3/25	Ensure heavy vehicles travel along haulage routes specified.	NYA	Despatch of clay/shale has not yet commenced.	O
Road Maintenance Contribution				
3/26	Pay to Council an annual contribution of 91.2 cents per cubic metre of extractive material exported from the site.	NYA	Despatch of clay/shale has not yet commenced.	O
Parking				
3/27	The Proponent shall provide sufficient parking for all project-related traffic.	NYA	Dedicated parking areas are planned on site.	A
Operating Conditions				
3/28	Ensure that:			
3/28(a)	Vehicles do not exceed 30 kilometres per hour on site.	Yes	Company policy nominates a speed limit of 30kph on site.	A
3/28(b)	Loaded vehicles have loads covered.	NYA	Despatch of clay/shale has not yet commenced.	O
3/28(c)	Loaded vehicles are cleaned of sand and other materials and do not track dirt onto the public roads.	NYA	Despatch of clay/shale has not yet commenced.	O
Transport Management Plan				
3/29	The Proponent shall prepare and implement a Transport Management Plan for the project to the Secretary.	Yes	The Plan was submitted to the Secretary on 18 March 2016 and approved on 13 May 2016.	O
3/30	Should the Traffic Management Plan require a reduction of the speed limit on Berrima Road and/or Taylor Avenue obtain a Speed Zone Authorisation.	NYA	Authorisation not yet required.	A
Waste				
3/31(a)	Monitor the amount of waste generated by the project;	NYA	No substantial quantities of waste yet generated on site.	O
3/31(b)	Minimise waste generated by the project;	Yes	All contractors are required to remove their own waste from site.	A
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Table A1-1 (Cont'd)
Internal Compliance Audit of Relevant Development Consent Conditions
for New Berrima Clay/Shale Quarry for the 2016 Reporting Period

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Condition No.	Paraphrased Requirement	Compliance	Comment	Basis*
SCHEDULE 3: ENVIRONMENTAL PERFORMANCE CONDITIONS (Cont'd)				
Waste (Cont'd)				
3/31(c)	Implement measures to minimise waste generated.	Yes	All contractors are required to remove their own waste from site.	A
3/31(d)	Ensure all waste generated is lawfully disposed of.	Yes	All contractors are required to dispose of all wastes lawfully.	A
3/31(e)	Report on waste management and minimisation in the annual review.	Yes	See Section 6.2 of this document.	D
Aboriginal Heritage				
Aboriginal Heritage Management Plan				
3/32	The Proponent shall prepare and implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Secretary.	No	The Plan was submitted to the Secretary on 18 March 2016 and approved on 13 May 2016. The planned monitoring by a representative of the Illawarra Local Aboriginal Land Council did not occur before the physical commencement activities. Therefore, the plan has not been fully implemented.	D
Landscape				
Rehabilitation Objectives				
3/33	Rehabilitate the site to the satisfaction of the DRE.	NYA	Activities requiring rehabilitation have not yet commenced.	O
Progressive Rehabilitation				
3/34	Rehabilitate the site, as soon as reasonably practicable following disturbance. Minimise the total area exposed for dust generation	NYA	Activities requiring rehabilitation have not yet commenced.	O
Landscape Management Plan				
3/35	The Proponent shall prepare and implement a Landscape Management Plan for the project to the satisfaction of the Secretary.	Yes	The Plan was submitted to the Secretary on 18 March 2016 and approved on 13 May 2016.	D
SCHEDULE 4: ADDITIONAL PROCEDURES				
Notification of Landowners				
4/1	Provide landowners as soon as practicable:			
4/1(a)	Notice in writing of an exceedance of criteria in Schedule 3, and provide regular monitoring results until compliance with the relevant criteria is achieved.	NYA	No exceedances with monitoring air quality have occurred to date.	D
4/1(b)	A copy of the NSW Health fact sheet entitled " <i>Mine Dust and You</i> " an exceedance of air quality criteria.	NYA	No exceedances with monitoring have occurred to date.	D
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Internal Compliance Audit of Relevant Development Consent Conditions
for New Berrima Clay/Shale Quarry for the 2016 Reporting Period

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Condition No.	Paraphrased Requirement	Compliance	Comment	Basis*
SCHEDULE 4: ADDITIONAL PROCEDURES (Cont'd)				
Independent Review				
4/2	Commission a suitably qualified, experienced and independent expert to supply an independent review within 2 months if the Secretary is satisfied that an independent review is warranted.	NYA	No exceedances with monitoring have occurred to date.	D
4/3	Should the independent review determines non-compliance			
4/3(a)	Implement feasible mitigation measures, in consultation, or;	NYA	No exceedances with monitoring have occurred to date.	D
4/3(b)	Secure written agreement from landowner to allow exceedances of the relevant criteria,	NYA	No exceedances with monitoring have occurred to date.	D
SCHEDULE 5: ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING				
Environmental Management				
Environmental Management Strategy				
5/1	The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary.	Yes	The Plan was submitted to the Secretary on 18 March 2016 and approved on 13 May 2016.	D
Adaptive Management				
5/2	Assess and manage risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Where any exceedance of these criteria and/or performance measures has occurred, at the earliest opportunity:	NYA	No exceedances of criteria have occurred to date.	A
5/2(a)	Take all measures to ensure that the exceedance ceases and does not recur.	NYA	No exceedances of criteria have occurred to date.	A
5/2(b)	Consider options for remediation and submit a report describing those options and measures or other course of action.	NYA	No exceedances of criteria have occurred to date.	A
5/2(c)	Implement remediation measures as directed by the Secretary.	NYA	No directions received from the Secretary during the reporting period.	D
Adaptive Requirements				
5/3	The Proponent shall ensure that the Management Plans required under this approval are prepared in accordance with guidelines and the requirements of the Project Approval.	Yes	All management plans were prepared as required by the Project Approval and approved by the Secretary.	D
NYA = Not Yet Applicable NA = Not Applicable ND = Not Determined D = Documentation Sighted A = Advised by Austral Employee O = Observation during audit Yes = Complied with during Reporting Period No = Not complied with during Reporting Period * = Basis for assessment of compliance ® Compliance unable to be determined until a response is provided by the Director-General or relevant agency				

Table A1-1 (Cont'd)
Internal Compliance Audit of Relevant Development Consent Conditions
for New Berrima Clay/Shale Quarry for the 2016 Reporting Period

Page 9 of 10

Condition No.	Paraphrased Requirement	Compliance	Comment	Basis*
SCHEDULE 5: ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING (Cont'd)				
Annual Review				
5/4	By the end of December 2016, and annually thereafter, the Proponent shall review the environmental performance of the project to the satisfaction of the Secretary.	Yes	The environmental performance for the Year 2016 is documented in Section 6 of this document.	D
Revision of Strategies, Plans and Programs				
5/5	Within 3 months of the submission of an annual review, incident report, audit report and any modifications to this approval review, and if necessary revise the strategies, plans and programs to the satisfaction of the Secretary.	NYA	All management plans will be reviewed by 30 June each year.	A
Community Consultative Committee				
5/6	Establish and operate a CCC for the project to the satisfaction of the Secretary.	Yes	The first meeting of the CCC was held on 7 September 2016.	D
Reporting				
Incident Reporting				
5/7	Notify the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment.	NYA	No reportable incidents occurred during the reporting period.	A
Regular Reporting				
5/8	Provide regular reporting on the environmental performance of the project on its website.	Yes	Any relevant information is posted on the Austral website within one month of its receipt.	D
Independent Environmental Audit				
5/9	Within a year of the commencement of development on site under this approval, and every 3 years thereafter, commission and pay the full cost of an Independent Environmental Audit of the project.	NYA	The initial independent audit is programmed for September 2017.	A
5/10	Within 3 months of commissioning this audit, submit a copy of the audit report to the Secretary.	NYA	The initial independent audit is programmed for September 2017.	A
NYA = Not Yet Applicable NA = Not Applicable ND = Not Determined D = Documentation Sighted A = Advised by Austral Employee O = Observation during audit Yes = Complied with during Reporting Period No = Not complied with during Reporting Period * = Basis for assessment of compliance ® Compliance unable to be determined until a response is provided by the Director-General or relevant agency				



Table A1-1 (Cont'd)
Internal Compliance Audit of Relevant Development Consent Conditions
for New Berrima Clay/Shale Quarry for the 2016 Reporting Period

Page 10 of 10

Condition No.	Paraphrased Requirement	Compliance	Comment	Basis*
SCHEDULE 5: ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING (Cont'd)				
Access to Information				
5/11	Make the following information publicly available on its website, the EA, current statutory approvals for the project, approved strategies, plans or programs, a summary of the monitoring results, a complaints register, minutes of CCC meetings, annual reviews (over the last 5 years), independent environmental audit, and the response to the recommendations in any audit and any other matter required by the Secretary.	Yes	<p>The following documents are posted on the Austral Website.</p> <ul style="list-style-type: none"> • Link to Licence 20377 on EPA website • Approval December 2015 Final Notice of Modification New Berrima • Environmental Assessment dated May 2015 • Management Plans <ul style="list-style-type: none"> – Environmental Management Strategy – Noise Management Plan – Air Quality Management Plan – Water Management Plan – Transport Management Plan – Aboriginal Heritage Management Plan – Landscape Management Plan • CCC Meeting Notes <ul style="list-style-type: none"> – New Berrima Clay/Shale Community Consultative Committee Notes 7.9.16 – New Berrima Clay/Shale Community Consultative Committee Notes 30.11.16 	D
<p>NYA = Not Yet Applicable NA = Not Applicable ND = Not Determined D = Documentation Sighted A = Advised by Austral Employee O = Observation during audit Yes = Complied with during Reporting Period No = Not complied with during Reporting Period * = Basis for assessment of compliance ® Compliance unable to be determined until a response is provided by the Director-General or relevant agency</p>				

Appendix 2

Compliance Review of Environment Protection Licence 20377

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Table A2-2
Compliance for Environment Protection Licence (EPL) 20377

Condition No.	Subject	Compliance	Basis for Assessment																
1. Administrative Conditions																			
A1	What the licence authorises and regulates																		
A1.1	This licence authorises the carrying out of the scheduled activities listed below. <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Extractive activities</td> <td>Land-based extractive activity</td> <td>> 50000 - 100000 T annual capacity to extract, process or store</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Extractive activities	Land-based extractive activity	> 50000 - 100000 T annual capacity to extract, process or store	Noted	-										
Scheduled Activity	Fee Based Activity	Scale																	
Extractive activities	Land-based extractive activity	> 50000 - 100000 T annual capacity to extract, process or store																	
A2	Premises or plant to which this licence applies																		
A2.1	The licence applies to the following premises: <table border="1"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td>The Austral Brick Company Pty Limited 1 Berrima Street New Berrima NSW 2577 LOT 1 DP 414246 "Mandurama"</td> </tr> </tbody> </table>	Premises Details	The Austral Brick Company Pty Limited 1 Berrima Street New Berrima NSW 2577 LOT 1 DP 414246 "Mandurama"	Noted	All details are correct.														
Premises Details																			
The Austral Brick Company Pty Limited 1 Berrima Street New Berrima NSW 2577 LOT 1 DP 414246 "Mandurama"																			
A3	Information supplied to the EPA																		
A3.1	Works and activities must be carried out in accordance with the licence application, except as expressly provided by a condition of this licence.	Yes																	
2. Discharges to Air and Water and Applications to Land																			
P1	Location of monitoring/discharge points and areas																		
P1.1	The points referred to in the table below are identified for the purposes of monitoring the emission of pollutants to the air. <p style="text-align: center;"><i>Air</i></p> <table border="1"> <thead> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Dust Deposition Monitoring</td> <td></td> <td>North of the quarry void and labelled A1 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).</td> </tr> <tr> <td>2</td> <td>Dust Deposition Monitoring</td> <td></td> <td>East of the quarry void and labelled A2 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).</td> </tr> <tr> <td>3</td> <td>Dust Deposition Monitoring</td> <td></td> <td>South east of the quarry void and labelled A3 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).</td> </tr> </tbody> </table>	EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1	Dust Deposition Monitoring		North of the quarry void and labelled A1 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).	2	Dust Deposition Monitoring		East of the quarry void and labelled A2 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).	3	Dust Deposition Monitoring		South east of the quarry void and labelled A3 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).	Yes	Observations confirmed all three gauges are in the locations nominated on the figure titled "Environmental Monitoring Locations".
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																
1	Dust Deposition Monitoring		North of the quarry void and labelled A1 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).																
2	Dust Deposition Monitoring		East of the quarry void and labelled A2 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).																
3	Dust Deposition Monitoring		South east of the quarry void and labelled A3 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).																
P1.3	The points referred to in the table below are identified for the purposes of monitoring the emission of pollutants to the water. <p style="text-align: center;"><i>Water and land</i></p> <table border="1"> <thead> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>Discharge to waters Water quality monitoring</td> <td>Discharge to waters Water quality monitoring</td> <td>North west of the quarry void and labelled W1 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).</td> </tr> <tr> <td>5</td> <td>Discharge to waters Water quality monitoring</td> <td>Discharge to waters Water quality monitoring</td> <td>South west of the quarry void and labelled W2 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).</td> </tr> </tbody> </table>	EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	4	Discharge to waters Water quality monitoring	Discharge to waters Water quality monitoring	North west of the quarry void and labelled W1 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).	5	Discharge to waters Water quality monitoring	Discharge to waters Water quality monitoring	South west of the quarry void and labelled W2 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).	Noted	Licensed discharge locations are marked in the locations nominated on the figure titled "Environmental Monitoring Locations".				
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																
4	Discharge to waters Water quality monitoring	Discharge to waters Water quality monitoring	North west of the quarry void and labelled W1 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).																
5	Discharge to waters Water quality monitoring	Discharge to waters Water quality monitoring	South west of the quarry void and labelled W2 on map titled "Environmental Monitoring Locations" dated 20 November 2015 (DOC16/206245).																
3. Limit Conditions																			
L1	Pollution of waters																		
L1.1	Except as provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	ND	No samples yet collected and analysed.																
Yes = Compliance established fully during internal audit / NA = Not Applicable / NYA = Not Yet Applicable / ND = Not Determined																			

Table A2-2 (Cont'd)
Compliance for Environment Protection Licence (EPL) 20377

Condition No.	Subject	Compliance	Basis for Assessment												
3. Limit Conditions (Cont'd)															
L2	Noise Limits														
L2.1	Noise from the premises must not exceed the noise limits in the table below:														
	<table border="1"> <thead> <tr> <th>Identification Point</th> <th>Noise Limit at any time - dB(A) LAeq(15 minute)</th> <th>Location</th> </tr> </thead> <tbody> <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 Locations" dated 20 November 2015 (DOC16/206245).</td> </tr> </tbody> </table>	Identification Point	Noise Limit at any time - dB(A) LAeq(15 minute)	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 Locations" dated 20 November 2015 (DOC16/206245).	Noted	Licensed monitoring locations are marked.
Identification Point	Noise Limit at any time - dB(A) LAeq(15 minute)	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 Locations" dated 20 November 2015 (DOC16/206245).													
4. Operating Conditions															
O1	Activities must be carried out in a competent manner														
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	Yes	Observation. Only topsoil moved and stored to date.												
	b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	NYA	No wastes generated to date.												
O2	Maintenance of plant and equipment														
O2.1	All plant and equipment installed or used in connection with the licensed activity:														
	a) must be maintained in a proper and efficient condition; and	Yes	Observation. Contractors adopt a maintenance plan for all equipment.												
	b) must be operated in a proper and efficient manner.	Yes	Observation												
5. Monitoring and Recording Conditions															
M1	Monitoring records														
M1.1	The results of any monitoring required by this licence or a load calculation protocol must be recorded and retained..	Yes	All air quality data is retained in spreadsheets.												
M1.2	All records required to be kept by this licence must be:														
	a) in a legible form;	Yes	All results are legible.												
	b) kept for at least 4 years after the monitoring event took place; and;	Yes	All results kept at Horsley Park.												
	c) produced in a legible form to any authorised officer of the EPA who asks to see them.	NYA	Not yet requested.												
M1.3	Records must be kept in respect of any samples collected for the purposes of this licence:														
	a) the date(s) on which the sample was taken;	Yes	Documentation – all relevant information collected and retained on record sheets.												
	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.														
Yes = Compliance established fully during internal audit / NA = Not Applicable / NYA = Not Yet Applicable / ND = Not Determined															

Table A2-2 (Cont'd)
Compliance for Environment Protection Licence (EPL) 20377

Condition No.	Subject	Compliance	Basis for Assessment																																													
5. Monitoring and Recording Conditions (Cont'd)																																																
M2	Requirement to monitor concentration of pollutants discharged																																															
M2.1	For each monitoring/discharge point specified below, the licensee must monitor the concentration of each pollutant specified in Column 1.	Noted																																														
M2.2	Air Monitoring Requirements. <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Ash</td> <td>grams per square metre per month</td> <td>Monthly</td> <td>Australian Standard 3580.10.1-2003</td> </tr> <tr> <td>Insoluble solids</td> <td>grams per square metre per month</td> <td>Monthly</td> <td>Australian Standard 3580.10.1-2003</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Ash	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003	Insoluble solids	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003	Yes	Documentation / laboratory sheets.																																	
Pollutant	Units of measure	Frequency	Sampling Method																																													
Ash	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003																																													
Insoluble solids	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003																																													
M2.3	Water and/or Land Monitoring Requirements <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Oil and Grease</td> <td>Visible</td> <td>Daily during any discharge</td> <td>Inspection</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Oil and Grease	Visible	Daily during any discharge	Inspection	pH	pH	Daily during any discharge	Grab sample	Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample	NYA	No samples yet collected and analysed.																													
Pollutant	Units of measure	Frequency	Sampling Method																																													
Oil and Grease	Visible	Daily during any discharge	Inspection																																													
pH	pH	Daily during any discharge	Grab sample																																													
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample																																													
M3	Testing methods – concentration limits																																															
M3.1	Monitoring for the concentration of a pollutant emitted to the air must be done in accordance with a) any methodology required under the act; or b) any methodology which a condition of this licence requires; or c) any methodology approved in writing by the EPA	Yes	Documented on laboratory result sheets.																																													
M3.2	Monitoring for the concentration of a pollutant discharged to waters must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	NYA	No samples yet collected and analysed.																																													
M4	Weather monitoring																																															
M4.1	At the Weather Station Monitoring Point, the licensee must monitor the parameters specified in Column 1. <table border="1"> <thead> <tr> <th>Parameter</th> <th>Units of Measure</th> <th>Frequency</th> <th>Averaging Period</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Rainfall</td> <td>millimetres</td> <td>Continuous</td> <td>24 hour</td> <td>AM-4</td> </tr> <tr> <td>Temperature @2m</td> <td>Degrees Celsius</td> <td>Continuous</td> <td>1 hour</td> <td>AM-4</td> </tr> <tr> <td>Temperature @10m</td> <td>Degrees Celsius</td> <td>Continuous</td> <td>1 hour</td> <td>AM-4</td> </tr> <tr> <td>Wind speed @10m</td> <td>meters per second</td> <td>Continuous</td> <td>1 hour</td> <td>AM-2</td> </tr> <tr> <td>Wind direction @10m</td> <td>Compass points</td> <td>Continuous</td> <td>1 hour</td> <td>AM-2</td> </tr> <tr> <td>Solar radiation @10m</td> <td>Watts per square metre</td> <td>Continuous</td> <td>1 hour</td> <td>AM-4</td> </tr> <tr> <td>Barometric pressure</td> <td>hectopascals</td> <td>Continuous</td> <td>1 hour</td> <td>AM-4</td> </tr> <tr> <td>Siting</td> <td>-</td> <td>-</td> <td>-</td> <td>AM-1</td> </tr> </tbody> </table>	Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method	Rainfall	millimetres	Continuous	24 hour	AM-4	Temperature @2m	Degrees Celsius	Continuous	1 hour	AM-4	Temperature @10m	Degrees Celsius	Continuous	1 hour	AM-4	Wind speed @10m	meters per second	Continuous	1 hour	AM-2	Wind direction @10m	Compass points	Continuous	1 hour	AM-2	Solar radiation @10m	Watts per square metre	Continuous	1 hour	AM-4	Barometric pressure	hectopascals	Continuous	1 hour	AM-4	Siting	-	-	-	AM-1	Yes	All data is retained at Horsley Park.
Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method																																												
Rainfall	millimetres	Continuous	24 hour	AM-4																																												
Temperature @2m	Degrees Celsius	Continuous	1 hour	AM-4																																												
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Barometric pressure	hectopascals	Continuous	1 hour	AM-4																																												
Siting	-	-	-	AM-1																																												
M5	Recording of pollution complaints																																															
M5.1	The licensee must keep a legible record of all complaints made to the licensee, employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	NYA	No complaints received to date.																																													
Yes = Compliance established fully during internal audit / NA = Not Applicable / NYA = Not Yet Applicable / ND = Not Determined																																																

Table A2-2 (Cont'd)
Compliance for Environment Protection Licence (EPL) 20377

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Condition No.	Subject	Compliance	Basis for Assessment
5. Monitoring and Recording Conditions (Cont'd)			
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.	NYA	No complaints received to date.
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	NYA	No complaints received to date.
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	NYA	Not yet requested.
M6	Telephone complaints line		
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.	Yes	Austral operates with a telephone complaints number (1800 635 620)
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line.	Yes	Surrounding residents and the Community Consultative Committee have been informed about the complaints line.
M6.3	The preceding two conditions do not apply until 3 months after the date of the issue of this licence.	NA	Initial three month period has lapsed.
6. Reporting Conditions			
R1	Annual return documents		
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 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.	NYA	The first Annual Return is due to be submitted within 60 days of 1 August 2017.
R1.2	An Annual Return must be prepared in respect of each reporting period.	NYA	The first Annual Return is due to be submitted within 60 days of 1 August 2017.
Yes = Compliance established fully during internal audit / NA = Not Applicable / NYA = Not Yet Applicable / ND = Not Determined			

Table A2-2 (Cont'd)
Compliance for Environment Protection Licence (EPL) 20377

Page 5 of 6

Condition No.	Subject	Compliance	Basis for Assessment
6. Reporting Conditions (Cont'd)			
R1.3	Where this licence is transferred from the licensee to a new licensee: 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 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..	NA	The licence has not been transferred.
R1.4	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: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	NA	The licence has not been surrendered or revoked.
R1.5	The Annual Return for the reporting period must be supplied to the EPA not later than 60 days after the end of each reporting period or 60 days after the date the license transfer was granted.	NYA	The first Annual Return is due to be submitted within 60 days of 1 August 2017.
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years.	NYA	The first Annual Return is due to be submitted within 60 days of 1 August 2017.
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.	NYA	The first Annual Return is due to be submitted within 60 days of 1 August 2017.
R2	Notification of environmental harm		
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	NYA	No incidents causing environmental harm have occurred to date.
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.	NYA	No incidents causing environmental harm have occurred to date.
R3	Written report		
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) an event has occurred at the premises; or b) an event has occurred in connection with the carrying out of the activities authorised by this licence, The authorised officer may request a written report of the event.	NYA	No written report has been requested.
Yes = Compliance established fully during internal audit / NA = Not Applicable / NYA = Not Yet Applicable / ND = Not Determined			

Table A2-2 (Cont'd)
Compliance for Environment Protection Licence (EPL) 20377

Page 6 of 6

Condition No.	Subject	Compliance	Basis for Assessment
6. Reporting Conditions (Cont'd)			
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	NYA	No written report has been requested.
R3.3	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, business hours telephone number of employees or agents of the licensee who witnessed the event; d) the name, address, 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.	NYA	No written report has been requested.
R3.4	The EPA may make a written request for further details. The licensee must provide such further details to the EPA within the time specified in the request.	NYA	No written report has been requested.
7 General Conditions			
G1	Copy of licence kept at the premises or plant		
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Yes	A copy of the licence is retained on site in a water proof tube.
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	NYA	No Office of the EPA has requested to see a copy of the licence.
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Yes	A copy of the licence is retained on site in a water proof tube and would be available for review by any employee or contractor.
Yes = Compliance established fully during internal audit / NA = Not Applicable / NYA = Not Yet Applicable / ND = Not Determined			

Appendix 3

Meteorological Data Recorded during 2016

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Table A3-1
2016 Rainfall Records

Date	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	0	0	0	0	0.2	2	0	0	0	0.2	0	0.2
2	0	6	0	0	0	1.6	0	0.6	0	0	0	0
3	0	0	0	0	0	0	0	3.2	0	0	0	0
4	7	19.6	0	0	0	11.2	0.2	2.6	0	5.8	0	0
5	26.8	4.2	0	0	0	135.8	2.4	3.8	0	0.6	0	2.2
6	11.8	0.2	0	0	0	133.8	1.8	0.2	0	0	0	9.2
7	13.4	0	0	0	0	0	31	0.4	0	0	0	0.2
8	1	0.4	0	0	0.2	0.2	9.6	5	0	0	0	0
9	0	0.2	0	0.8	13.8	0	1.6	0	0	0	6.6	0
10	0	0	0	0.4	0.4	0	0.6	0	0	0	0	0
11	0	0	0.6	0	0	0	0	0	0	0	0	0
12	0	0	7.2	2.8	0	0	0	0	0	0	8.6	0.4
13	4.2	0	0	0	0	0.2	1.2	0	0	0	0	0
14	0	0	0	0.2	0	0.2	0	0	0	0	11.6	1.6
15	20.8	0	0	0	0	0	0	0	0	0	0.4	14
16	1.8	0.2	9	0	0	0.2	0	0.2	0	0	0	11
17	1	0	8	17.6	0	0.4	0	0	0	0.6	0	0
18	0	0	0	0	0	8.8	0.4	0	9	0	0	0
19	0	0	3.8	0.2	0	2.4	0	0	2	0	0	0
20	0	0	0	0.4	0	19.6	19.2	1.4	0	0	0	0
21	0.2	0.2	0	0	0	0	7	0.6	5.8	13.6	1.2	0
22	7.6	0	1.4	0	0	0	0.2	0	4	12.8	0	0.4
23	8.2	0	0.2	1	0.2	0	20	1.8	0	1	1.2	0
24	6.2	0	0	5	0	0.2	0	0	2	0.2	0	1.6
25	0	0	0	0.4	0	0	0	21.6	0	0	0	0
26	6	0	0.2	0	0.4	0.2	0	0	0	0	0.2	0
27	0	0.4	0	0.2	0.6	0.8	0	0.2	0	0.2	0	8.2
28	0.8	0	0	0.4	0	0.2	0	0	0	0	0	0.2
29	0	0	0	0	2.2	0.2	0	0	7.2	0	0	0
30	10.2	-	6.8	3.8	0.2	0	0	0	2.6	0	3.2	0.2
31	2.6	-	0	-	0	-	0	0.2	0	0	0	0.4
Total Monthly	129.6	31.4	37.2	33.2	18.2	318.0	95.2	41.8	32.6	35.0	33.0	49.8

Note: Results prior to 19 September 2017 were drawn from Moss Vale BOM Station AWS 068239



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Appendix 4

Correspondence Regarding an Aboriginal Site Inspection – 6 June 2017

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9 June 2017

Scott Hollamby
Senior Environmental Consultant
RW Corkery & Co Pty Ltd
Suite 5, Building 3 Pine Rivers Office Park
205 Leitchs Road
Brendale QLD 4500

Dear Scott,

Site inspection: New Berrima Clay/Shale Quarry
Our Ref: Matter 24806

Biosis has been engaged by RW Corkery on behalf of Austral Bricks to conduct an inspection of three locations that have been subject to grading and soil stockpiling at the New Berrima Clay/Shale Quarry, New Berrima NSW. Biosis notes that this inspection has been undertaken following soil stripping works rather than during soil stripping works as proposed in section 9.3 of the *Aboriginal Heritage Management Plan for the New Berrima Clay/Shale Quarry (AHMP)* (RW Corkery 2010) for the project. The AHMP was formulated to comply with Conditions 3(32) and 5(3) of the project approval 08_0212.

Site inspection

A site inspection of the three locations that have been subject to grading and soil stockpiling was undertaken by Alexander Beben (Principal Archaeologist, Biosis), Nathaniel Kennedy (Illawarra Local Aboriginal Land Council) and Peter Young-Whitford (Austral Bricks). The graded areas consisted of three areas measuring approximately 50 metres long by 80 metres wide located on the mid slope between a crest and a drainage depression. The approximate location of the graded areas is identified in Figure 1. The graded areas were characterised by shallow (200 millimetre) areas where the A horizon had been removed to expose a mid-yellow-brown clay B horizon with 80% angular shale inclusions. The topsoil within all three graded areas has been stockpiled on the northern extent of these areas. Visibility within the graded areas was 90% within 100% of the exposed area. The site inspection consisted of a systematic pedestrian traverse of the stockpiles and graded areas to identify whether any Aboriginal objects were present. A single isolated artefact was identified within the central grader scrape (see Plate 2), this consisted of a single grey silcrete flake, measuring 33 millimetres by 22 millimetres by 12 millimetres. This artefact (New Berrima ISO1) was a complete flake with a 12 millimetre platform, plunge termination and possible use-wear on the right lateral margin (see Plate 3). The artefact was located at E257211 N6178923. No other Aboriginal objects were identified during the site investigation and the potential for further Aboriginal objects to be present was assessed as low based upon the landform and soil characteristics observed. The presence of an isolated object is consistent with the predictive statements made as part of the New Berrima Clay/Shale Quarry: Cultural Heritage Assessment prepared by Archaeological Surveys & Reports Pty Ltd (2010) which states that isolated artefacts may be present.

Whilst Section 9.3 of the AHMP has not been strictly adhered to, the shallow nature of the grader scrape (200 millimetres) indicates that monitoring at the time of the works would not have resulted in a different outcome.

Biosis Pty Ltd
Wollongong Resource Group

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Wollongong NSW 2500

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A report by Nathaniel Kennedy (Illawarra Local Aboriginal Land Council) is appended to this letter.

Compliance with AHMP

The identification of an Aboriginal object as part of the site investigation has resulted in the implementation of section 9.4 of the AHMP “Stop Work Procedures”. Compliance with these steps is outlined in Table 1.

Table 1 Compliance with stop work procedures protocol

Task	Compliance actions
Stop work in the vicinity of the find	The quarry is currently not operational and no works are taking place in the vicinity of New Berrima ISO1.
Secure the location so that there is no further impact	The location of New Berrima ISO1 has been marked with a wooden stake and marking paint to ensure that it is identifiable.
Notify OEH by calling Enviroline on 131 555	In lieu of calling Enviroline, this report should be forwarded to the Office of Environment and Heritage (Illawarra) for their information. Enviroline is not the best means of notifying OEH as part of an unexpected finds policy.
A qualified archaeologist would be engaged to assess the find. Management strategies would be developed that aim to conserve sites in the first instance and mitigate impact if conservation outcomes cannot be achieved. If considered appropriate this would involve additional community consultation and/or archaeological investigation.	<p>Alexander Beben (Principal Archaeologist, Biosis) was present when New Berrima ISO1 was identified. Management of the Aboriginal object was discussed with Nathaniel Kennedy (Illawarra Local Aboriginal Land Council). It was determined that:</p> <ul style="list-style-type: none"> • Conservation of the Aboriginal object was not possible as it is located with the future quarry site. • The Aboriginal object should be salvaged by an archaeologist and RAPs prior to works commencing, • The Aboriginal object should be reburied onsite at a location outside of the impact footprint by an archaeologist and RAPs at a sufficient depth to conceal its location. <p>No further investigation is required to manage the New Berrima ISO1. This report should be forwarded to the three Registered Aboriginal Parties (RAPs) identified in the Cultural Heritage Assessment (2010).</p>





Task	Compliance actions
<p>The Aboriginal objects would be recorded on the Aboriginal Heritage Information Management System (AHIMS) database in accordance with Section 89A of the National Parks and Wildlife Act 1974. Any new site cards, site impact cards and archaeological reports would be submitted to AHIMS.</p>	<ul style="list-style-type: none"> An AHIMS site recorded form should be prepared within 10 days of the finalisation of this letter. <p>Once New Berrima ISO1 is salvaged and reburied on site the following tasks must be completed within 10 days of the completion of compliance actions:</p> <ul style="list-style-type: none"> An AHIMS Site Impact Form must be completed and submitted to AHIMS. A new AHIMS site recording form must be completed and submitted to OEH for the reburial location.
<p>Management of Aboriginal object(s) would be discussed with the Aboriginal community and OEH. This would include determining long-term management strategies for the identified Aboriginal objects, including, but not limited to, reburial under Requirement 26 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010) or application to OEH for the Transfer of Aboriginal objects under section 85A of the National Parks and Wildlife Act 1974.</p>	<p>As the project has received approval under Part 3A (now repealed) of the <i>Environmental Planning and Assessment Act 1979</i>, further approvals under the <i>National Parks and Wildlife Act 1974</i> are not required. As such the salvage of the object should be undertaken as a mitigation measure. The Aboriginal object must then be reburied onsite at a location determined by Austral Bricks and the RAPs.</p>

Conclusions and recommendations

Based upon the outcome of the site investigation and review of the requirements of the AHMP, the following recommendations should be implemented:

- As the project has received approval under Part 3A (now repealed) of the *Environmental Planning and Assessment Act 1979*, further approvals under the *National Parks and Wildlife Act 1974* are not required. The assessment of New Berrima Quarry ISO1 has indicated that further investigation is not required.
- Submit a copy of this letter to OEH Illawarra office and the RAPs for the project Illawarra Local Aboriginal Land Council, Wodi Wodi Elders Corporation, Korewal Elouera Jerrungurugh.
- Register an AHIMS site card for New Berrima ISO1 within 10 days of the finalisation of this letter.
- Nominate a reburial location for the artefact within the New Berrima Quarry that will not be subject to impacts from the project. It is recommended that this location is used for any subsequent finds should they occur.
- Complete an AHIMS Site Impact Form and new AHIMS form for the reburial location within 10 days of the salvage and reburial taking place.



Please contact me on 0407 808 527 should you have any enquiries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Beben', with a horizontal line underneath.

Alexander Beben
Principle Archaeologist, NSW

References

RW Corkery. 2016. *New Berrima Clay/Shale Quarry. Aboriginal Heritage Management Plan*. Prepared for Austral Brick Company Pty Ltd.

Archaeological Survey and Reports Pty Ltd. *New Berrima Clay/Shale Quarry. Aboriginal Cultural Heritage Assessment*. Prepared for RW Corkery on behalf of Austral Brick Company Pty Ltd.

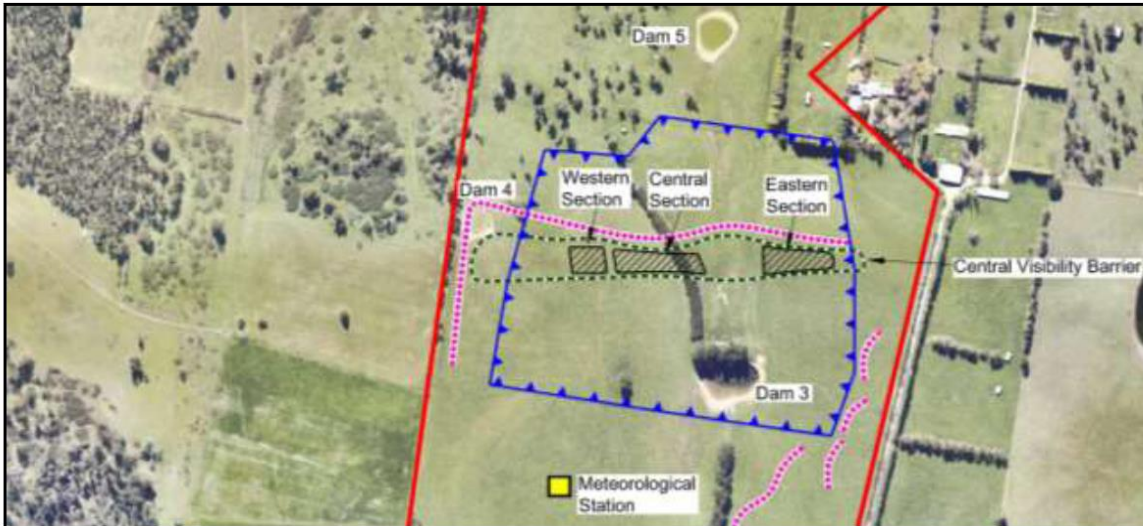


Figure 1 Location of three graded areas at New Berrima Clay/Shale Quarry (Source: RW Corkery).



Plate 1 South-east view of western graded area showing depth of grader scrape and stockpile (Source: Biosis 2017).



Plate 2 Location of isolated artefact within central graded area with post marking location of artefact, two metre scale (Source: Biosis 2017).



Plate 3 Grey silcrete compelte flake (Source: Biosis 2017).

ILALC Report Austral Bricks Site Visit 6/6/17

Quarry Area

On the 6th of June 2017 an Austral Bricks property in at Mandurama, Berrima Rd, New Berrima was visited to determine if three areas for future quarry works contained anything of Aboriginal significance. The three areas had already had the surface scraped approximately 10-20cm and stock piled at the northern boundary of each area approximately 1.5m high, each area was within approximately 200m x 100m.

Each of the three areas were not within close proximity to any existing creeks or rivers and appeared to have been previously used for farming lands. There was only one artifact found on the surface of the middle area of the three areas, nothing else was found (see figure 1).



Figure 1: Artifact found on middle quarry area

Even with the finding of the one artifact with the location of the areas and degrading soil type there is minimal chance of the site being a high artifact density site with high Aboriginal significance. I am happy for future quarry works moving topsoil to go ahead as per the current process without an Indigenous representative present, however if there is anything of Aboriginal significance found during those works I would ask that work be ceased and I be contacted to determine moving forward what should occur. If there are only stone artifacts found I would ask that I could gather them and rebury them at a location outside of the quarry footprint but within the same area.

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