

**DETERMINATION OF A DEVELOPMENT APPLICATION FOR STATE SIGNIFICANT  
AND INTEGRATED DEVELOPMENT UNDER SECTION 80 OF  
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- a) minimise any adverse environmental impacts associated with the development;
- b) provide for the on-going environmental management of the development; and
- c) provide for regular monitoring and reporting on the development.

Frank Sartor MP  
**Minister for Planning**

Sydney,

2005

File No. 9036831

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**SCHEDULE 1**

**Application made by:** Blue Circle Southern Cement Limited ("the Applicant");

**To:** The Minister for Planning ("the Minister");

**In respect of:** Lot 1 DP 582277, Lot 2 DP 774598, Lot 22 DP 582276, Lot 100 DP 882139, Taylor Avenue, New Berrima, Wingecarribee local government area;

**For the following:** Establishment and operation of a new cement mill to be known as Cement Mill 7 ("the development"), as described in *Statement of Environmental Effects: Proposed Upgrade of Cement Grinding Capacity, Cement Mill 7 Project* (one volume), prepared by Olsen Environmental Consulting Pty Ltd and dated April 2005.

**Development Application:** DA No. 85-4-2005-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 15 April 2005, accompanied by *Statement of Environmental Effects: Proposed Upgrade of*

*Cement Grinding Capacity, Cement Mill 7 Project*  
prepared by Olsen Environmental Consulting and  
dated April 2005.

**State Significant Development:** Under section 76A(7) of the Act, the proposed development is classified as State significant development because it is a type of development (minerals processing) listed in Schedule 1 of *State Environmental Planning Policy No. 34 – Major Employment-Generating Industrial Development* and has a capital investment in excess of \$20 million.

**Note:**

- 1) To ascertain the date upon which this consent becomes effective, refer to section 80 of the Act
- 2) To ascertain the date upon which this consent is liable to lapse, refer to section 95 of the Act.
- 3) If the Applicant is dissatisfied with this determination, section 97 of the Act grants him or her a right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination.

## SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Applicant	Blue Circle Southern Cement Limited
BCA	Building Code of Australia
cement works	existing development on the site as at the date of this consent
cement works upgrade construction	the development to which this consent applies any activity requiring a Construction Certificate, the laying of a slab or significant excavation work
Council	Wingecarribee Shire Council
dB(A)	decibel (A-weighted scale)
DEC	NSW Department of Environment and Conservation (incorporating NSW Environment Protection Authority and the NSW National Parks and Wildlife Service)
Department	NSW Department of Infrastructure, Planning and Natural Resources
Director-General	Director-General of the NSW Department of Infrastructure, Planning and Natural Resources, or delegate
dust	any solid material that may become suspended in air or deposited
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
L <sub>Aeq</sub> (15 minute)	equivalent average sound pressure level that is measured over a 15 minute period
Minister operation	NSW Minister for Planning, or delegate any activity that results in the production, or intended production of commercial quantities of cement after commissioning of the cement works upgrade
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
SEE	Statement of Environmental Effects for the establishment and operation of Cement Mill 7 entitled <i>Statement of Environmental Effects: Proposed Upgrade of Cement Grinding Capacity, Cement Mill 7 Project</i> , dated April 2005 and prepared by Olsen Environmental Consulting Pty Ltd.
site	NSW Environment Protection Authority the land to which this consent applies

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## 1. GENERAL

### Scope of Development

- 1.1 <sup>1</sup>The Applicant shall carry out the development generally in accordance with:
- a) Development Application No. 85-4-2005-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 15 April 2005;
  - b) *Statement of Environmental Effects: Proposed Upgrade of Cement Grinding Capacity, Cement Mill 7 Project*, dated April 2005 and prepared by Olsen Environmental Consulting Pty Ltd;
  - c) *Noise Impact Assessment: Boral BCSC Berrima, Cement Mill 7 Project* dated 3 April 2005 and prepared by Connell Hatch;
  - d) *Air Impact Assessment: Air Quality Assessment for SEE, Cement Mill 7 Project*, dated 6 April 2005 and prepared by Holmes Air Sciences;
  - e) *Traffic Report: Berrima Cement Works, Cement Mill 7 Project* dated 11 April 2005 and prepared by Masson Wilson Twiney Pty Ltd;
  - f) Correspondence with subject 'Cement Mill 7 – Implementation Dates' prepared by Mr Grant Williams, Blue Circle Southern Cement Ltd and dated 6 July 2005; and
  - g) the conditions of this consent.

In the event of an inconsistency between a condition of this consent and the documents listed under a) and g) above, the condition of consent shall prevail to the extent of the inconsistency.

- 1.2 The Applicant shall operate the cement works upgrade to meet the following requirements:
- a) Cement Mill 7 is utilised in place of Cement Mill 5; and
  - b) Cement Mill 5 may be utilised as a secondary, back-up mill when Cement Mill 7 is inoperative.

Note: The development application for the cement works upgrade has been assessed and determined as a non-designated development under Part 2, Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. That Part requires that the cement works upgrade will not significantly increase the environmental impacts of the cement works as posed prior to the commencement of the cement works upgrade. Condition 1.2 aims to limit the impacts of the cement works, as upgraded in accordance with this consent, to reflect the intent of Part 2, Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

### Provision of Documents

- 1.3 Where practicable, the Applicant shall provide all documents and reports required to be submitted to the Director-General under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, shall be in a format acceptable to those parties and shall aim to minimise resource consumption.

Note: At the date of this consent, an appropriate electronic format for submission to the Director-General is the "portable document format" (pdf) or another format that may be readily converted to pdf.

### Statutory Requirements

- 1.4 The Applicant shall ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the cement works.

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<sup>1</sup> Incorporates an EPA General Term of Approval (A1.1)

No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

## **Compliance**

- 1.5 The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent. The Applicant shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.
- 1.6 Prior to the commencement of each of the events listed from a) to b) below, or within such period as otherwise agreed by the Director-General, the Applicant shall certify in writing, to the satisfaction of the Director-General, that it has complied with all conditions of this consent applicable prior to the commencement of that event.

Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Director-General, stage the submission of compliance certification consistent with the staging of activities relating to that event. The events referred to in this condition are as follows:

- a) construction of the cement works upgrade; and
  - b) operation of the cement works upgrade.
- 1.7 Notwithstanding condition 1.6 of this consent, the Director-General may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.
  - 1.8 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the SEE and those documents listed under condition 1.1. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

## **2. ENVIRONMENTAL PERFORMANCE**

### **Noise Impacts**

- 2.1 Construction activities associated with the cement works upgrade shall only be carried out:
  - a) between 7:00 am and 6:00 pm, Monday to Friday inclusive, during periods in which the cement works is shut-down, and construction noise is audible at the boundary of the site;
  - b) between 7:00 am and 1:00 pm on Saturdays, during periods in which the cement works is shut-down, and construction noise is audible at the boundary of the site;
  - c) at no time on Sundays or public holidays, during periods when the cement works is shut-down, and construction noise is audible at the boundary of the site;
  - d) at any time during periods in which the cement works is in operation; and
  - e) at any time if construction noise is inaudible at the boundary of the site.
- 2.2 Subject to compliance with the requirements of this consent, the cement works upgrade may be operated 24 hours per day, 7 days per week.

- 2.3 <sup>2</sup>The Applicant shall design, construct, operate and maintain all new and upgraded components forming part of the cement works upgrade to ensure that for each receiver location listed in Table 1 below, the noise level at each receiver location does not exceed the maximum allowable noise contribution limit at the receiver location specified.

**Table 1 – Maximum Allowable Noise Contribution Limit (dB(A))**

Receiver Location	Day <sup>a</sup> L <sub>Aeq</sub> (15 minute)	Evening <sup>b</sup> L <sub>Aeq</sub> (15 minute)	Night <sup>c</sup> L <sub>Aeq</sub> (15 minute)
Adelaide Street, near Taylor Avenue, New Berrima	43	43	40
Argyle Street, near Taylor Avenue, New Berrima	43	43	40
Candowie Farm House	43	43	40

a. Day is defined as the period from 7:00am to 6:00pm Monday to Saturday and 8:00am to 6:00pm on Sundays and public holidays.

b. Evening is defined as the period from 6:00pm to 10:00pm.

c. Night is defined as the period from 10:00pm to 7:00am Monday to Saturday and 10:00pm to 8:00am on Sundays and public holidays.

Note: Noise contributions specified in Table 1 are to be interpreted as contributions from the new and upgraded components forming part of cement works upgrade only and not as noise limits for the site as a whole.

- 2.4 <sup>3</sup>The maximum allowable noise contributions identified in condition 2.3 apply under all meteorological conditions, except:
- during wind speeds greater than 3ms<sup>-1</sup> measured at 10 metres above ground level; or
  - during temperature inversion conditions of greater than 3°C/100m and wind speeds of greater than 2ms<sup>-1</sup> measured at 10 metres above ground.
- 2.5 <sup>4</sup>For the purpose of assessment of noise contributions specified under condition 2.3, noise from the cement works upgrade shall be:
- measured at the most affected point on or within the receptor site boundary or at the most affected point within 30m of the dwelling (rural situations), where the dwelling is more than 30m from the property boundary; and
  - where applicable, subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000).
- 2.6 Notwithstanding condition 2.5 of this consent, should direct measurement of noise from the site be impractical, the Applicant may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

## Air Quality Impacts

### **Dust Emissions**

- 2.7 <sup>5</sup>The Applicant shall design, construct, operate and maintain the cement works upgrade in a manner that minimises dust emissions from the site. The raw material

<sup>2</sup> Incorporates EPA General Terms of Approval (L4.1 and L4.2)

<sup>3</sup> Incorporates an EPA General Term of Approval (L4.4)

<sup>4</sup> Incorporates an EPA General Term of Approval (L4.3)

<sup>5</sup> Incorporates EPA General Terms of Approval (O2.1 and O2.2)

storage bunker associated with the cement works upgrade shall be maintained in a condition that effectively eliminates wind generated dust emissions. Dust collection systems shall be provided to all potential sources of dust production associated with the cement works upgrade.

- 2.8 The Applicant shall take all practicable measures to ensure that all vehicles entering or leaving the site and carrying a load that may generate dust are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times.
- 2.9 All trafficable areas and vehicle manoeuvring areas associated with the cement works upgrade shall be maintained in a condition that will minimise the generation or emission of wind blown or traffic generated dust from the site at all times.

#### ***Discharge Limits***

- 2.10 <sup>6</sup>The Applicant shall design, construct, operate and maintain the cement works upgrade to ensure that total solid particle emission from the exhaust stack on Cement Mill No.7 (EPA Identification Point 10) does not exceed 20mg/m<sup>3</sup> (100% concentration limit). The concentration limit specified above is based on 101.3 kPa, 273 K, dry reference conditions and shall be determined in accordance with the monitoring requirements described under condition 3.1. To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

#### **Water Quality Impacts**

- 2.11 <sup>7</sup>Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation to the cement works upgrade, section 120 of that Act (pollution of waters) shall be complied with in, and in connection with, the carrying out of the cement works upgrade.

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

- 2.12 All construction vehicles exiting the site, having had access to unpaved areas, shall depart via a wheel-wash facility.
- 2.13 All erosion and sedimentation controls required as part of this consent shall be maintained for the duration of the construction works, and until such time as all ground disturbed by the construction works, has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

#### ***Site Drainage and Stormwater***

- 2.14 The Applicant shall ensure that the cement works upgrade does not lead to an increase in the volume or flow rate of stormwater leaving the site over and above pre-development flow conditions.

#### **Traffic and Transport Impacts**

- 2.15 The Applicant shall establish a bus transport system generally consistent with that identified in section 6.6.7 of the SEE referred to in condition 1.2b to transport construction employees to and from the site during the construction period.
- 2.16 The Applicant shall ensure that vehicles associated with the cement works upgrade do not stand or park on any public road or footpath adjacent to the site. Measures provided by the Applicant shall include sufficient on-site parking for all employees and contractors during construction and operation of the cement works upgrade and

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<sup>6</sup> Incorporates EPA General Terms of Approval (P1.1, L2.1 and L2.2)

<sup>7</sup> Incorporates an EPA General Term of Approval (L1.1)

management measures to ensure that heavy vehicles entering the site are not permitted to queue on Taylor Avenue at any time.

- 2.17 The Applicant shall install an advance warning signage along Taylor Avenue to advise vehicles approaching the entrance to the site of turning truck traffic in the area. This signage is to be installed prior to the commencement of operations of the cement works upgrade. Details of the design and installation of this signage are to be provided to the satisfaction of the Director-General prior to the commencement of operations at the cement works upgrade.

### **Waste Management Impacts**

- 2.18 <sup>8</sup>The Applicant shall not cause, permit or allow any waste generated outside Cement Mill 7 to be received at Cement Mill 7 for storage, treatment, processing, reprocessing or disposal, or any waste generated at Cement Mill 7 to be disposed of at Cement Mill 7, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*. This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

### **Visual Amenity Impacts**

- 2.19 The Applicant shall ensure that all external lighting associated with the cement works upgrade, and including those lights already erected, is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding properties or roadways. The lighting shall be the minimum level of illumination necessary and shall comply with *AS 4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

## **3. ENVIRONMENTAL MONITORING AND AUDITING**

### **Air Quality Monitoring**

- 3.1 <sup>9</sup>During operation of the cement works upgrade, the Applicant shall periodically determine the pollutant concentration for total solid particles (mg/m<sup>3</sup>) at the main exhaust stack for Cement Mill No.7 (EPA Identification Point 10) employing sampling method TM-15. This pollutant concentration shall be determined on an annual basis. The Sampling Method shall be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
- 3.2 If the results of the monitoring required under condition 3.1 and EPL No. 1698 indicate that the operation of any component of the cement works upgrade, when operating under design loads and normal operating conditions, exceeds the limit imposed under condition 2.10 and EPL No. 1698, the Applicant shall provide details of remedial measures to be implemented to reduce air quality limits to the levels required.

Details of the remedial measures and a timetable for implementation shall be submitted to the Director-General for Approval within such period as the Director-General may require, and be accompanied by evidence that the EPA is satisfied that the remedial measures are acceptable.

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<sup>8</sup> Incorporates an EPA General Term of Approval (L3.1 and L3.2)

<sup>9</sup> Incorporate EPA General Terms of Approval (M2.1 and M3.1)

## **Auditing**

- 3.3 Within one year of the commencement of operation of the cement works upgrade, and every three years thereafter or as otherwise required by the Director-General, the Applicant shall commission an independent person or team to undertake an Environmental Audit of the cement works upgrade. The independent person or team shall be approved by the Director-General, prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted for comment to the Director-General, the DEC and Council, within three months of the completion of the Audit. The Audit shall:
- a) be carried out in accordance with *ISO 19011: Guidelines for Quality and/or Environmental Management Systems Auditing*;
  - b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the cement works upgrade;
  - c) assess the cement works upgrade operations against the predictions made and conclusions drawn in the SEE and other documents listed under conditions 1.1a) to 1.1f), inclusive; and
  - d) review the effectiveness of the environmental management of the cement works upgrade, including any environmental impact mitigation works.

The Director-General may, having considered any submission made by the DEC and/or Council in response to the Environmental Audit Report, require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may agree.

- 3.4 The Director-General may, having considered any submission made by the Applicant, consent to the incorporation of the environmental auditing requirements listed under condition 3.3 into the Environmental Audit Report required under the conditions of consent for other development at the site.

## **4. COMMUNITY INFORMATION AND INVOLVEMENT**

- 4.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection upon request. This shall include provision of all documents at the site for inspection by visitors, and in an appropriate electronic format on the Applicant's internet site, should one exist.

### **Complaints Procedure**

- 4.2 Prior to the commencement of construction for the cement works upgrade, the Applicant shall ensure that the following are available for community complaints for the life of the cement works upgrade (including construction and operation):
- a) a telephone number on which complaints about operations on the site may be registered;
  - b) a postal address to which written complaints may be sent; and
  - c) an email address to which electronic complaints may be transmitted, should the Applicant have email capabilities.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public. These details shall also be provided on the Applicant's internet site, should one exist.

- 4.3 The Applicant shall record details of all complaints received through the means listed under condition 4.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;

- b) the means by which the complaint was made (telephone, mail or email);
- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) the nature of the complaint;
- e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made. The Complaints Register shall be made available for inspection by the DEC or the Director-General upon request.

## 5. ENVIRONMENTAL MANAGEMENT

### Construction Environmental Management Plan (CEMP)

5.1 The Applicant shall prepare and implement a **Construction Environmental Management Plan (CEMP)** to outline environmental management practices and procedures to be followed during the construction of the cement works upgrade. The Plan shall include, but not necessarily be limited to:

- a) a description of all activities to be undertaken on the site during construction, including an indication of stages of construction, where relevant;
- b) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) specific consideration of measures to address any requirements of the Department and the DEC during construction;
- d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
- e) a description of the roles and responsibilities for all relevant employees involved in construction; and
- f) the Management Plans listed under condition 5.2 of this consent.

The CEMP shall be submitted for the approval of the Director-General prior to the commencement of construction of the cement works upgrade. Notwithstanding, where construction work is to be undertaken in stages, the Applicant may, subject to the agreement of the Director-General, stage the submission of the CEMP consistent with the staging of activities relating to that work. Construction of each stage shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the CEMP to the DEC as soon as practicable.

5.2 As part of the CEMP for the cement works upgrade, required under condition 5.1 of this consent, the Applicant shall prepare and implement the following Management Plans:

- a) <sup>10</sup>A **Noise Management Plan** to outline measures to minimise the impacts from the construction of the cement works upgrade on local noise levels. The Plan shall address the requirements of the DEC and shall include, but not necessarily be limited to:
  - i) identification of all major sources of noise that may be emitted as a result of the construction of the cement works upgrade;
  - ii) specification of the noise criteria as it applies to the particular activity;

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<sup>10</sup> Incorporates an EPA General Term of Approval (L4.5)

- iii) procedures for the monitoring of noise emissions from the cement works upgrade, in accordance with any requirements of the DEC;
  - iv) protocols for the minimisation of noise emissions;
  - v) description of procedures to be undertaken if any non-compliance is detected.
- b) A **Traffic Management Plan** to outline management of traffic conflicts associated with the construction of the cement works upgrade. The Plan shall include, but not necessarily be limited to:
- i) details of traffic routes used by construction vehicles;
  - ii) the number and type of vehicles to be used in the construction of the cement works upgrade, and their movements to, from and within the site per day;
  - iii) minimum requirements for vehicle maintenance to address noise and exhaust emissions;
  - iv) speed limits to be observed along routes to and from the sites and within the site; and
  - v) behaviour requirements for vehicle drivers to and from the site and within the site.
- c) <sup>11</sup>an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion during construction of the cement works upgrade. The Plan shall address the requirements of the DEC and shall include, but not necessarily be limited to:
- i) details of erosion, sediment and surface water pollution control measures and practices to be implemented during construction of the cement works upgrade; and
  - ii) demonstration that erosion and sediment control measures have been prepared in accordance with the requirements for such plans outlined in Landcom's manual titled *Managing Urban Stormwater: Soils and Construction, Volume 1, 4<sup>th</sup> Edition, March 2004*.

### **Operation Environmental Management Plan (OEMP)**

- 5.3 The Applicant shall prepare and implement an **Operation Environmental Management Plan (OEMP)** to detail an environmental management framework, practices and procedures to be followed during the operation of the cement works upgrade. The plan shall include, but not necessarily be limited to:
- a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the cement works upgrade, including all consents, licences, approvals and consultations;
  - b) a description of the roles and responsibilities for all relevant employees involved in the operation of the cement works upgrade;
  - c) overall environmental policies and principles to be applied to the operation of the cement works upgrade;
  - d) standards and performance measures to be applied to the cement works upgrade, and a means by which environmental performance can be periodically reviewed and improved;
  - e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
  - f) the Management Plans listed under condition 0 of this consent; and
  - g) the environmental monitoring requirements outlined under conditions 3.1 to 3.4 of this consent, inclusive.

The OEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the cement works upgrade, or within such period otherwise agreed by the Director-General. Operation shall not

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<sup>11</sup> incorporates an EPA General Term of Approval (O3.1)

commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the OEMP to the DEC and Council as soon as practicable.

- 5.4 The Director-General may, having considered any submission made by the Applicant, consent to the incorporation of the requirements listed under condition 5.3 into the AEMR required under the conditions of consent for other development at the site.
- 5.5 As part of the OEMP for the cement works upgrade, required under condition 5.3 of this consent, the Applicant shall prepare and implement the following Management Plans:
- a) a **Noise Management Plan** to outline measures to minimise the impacts from the operation of the cement works upgrade on local noise levels. The Plan shall address the requirements of the DEC and shall include, but not necessarily be limited to:
    - i) identification of all major sources of noise that may be emitted as a result of the operation of the cement works upgrade;
    - ii) specification of the noise criteria as it applies to the particular activity;
    - iii) procedures for the monitoring of noise emissions from the cement works upgrade, in accordance with any requirements of the DEC;
    - iv) protocols for the minimisation of noise emissions;
    - v) description of procedures to be undertaken if any non-compliance is detected.
  - b) an **Air Quality Management Plan** to outline measures to minimise and manage any impacts from the operation of the cement works upgrade on local air quality. The Plan shall address the requirements of the DEC, and shall include, but not necessarily be limited to:
    - i) identification of all major sources of particulate air pollutants that may be emitted as result of the operation of the cement works upgrade, including identification of the major components and quantities of these emissions;
    - ii) monitoring of particulate emissions from the cement works upgrade, in accordance with any requirements of the DEC;
    - iii) procedures for the minimisation of particulate emissions from the cement works upgrade, and the reduction of these emissions over time, where appropriate;
    - iv) protocols for regular maintenance of process equipment to minimise the potential for dust emissions;
    - v) description of procedures to be undertaken if any non-compliance is detected.
  - c) a **Water Supply Strategy** with an aim to investigate and pursue options for the use of alternative sources of water, such as stormwater reuse or treated effluent from sewage treatment plants, in order to reduce the dependency on extracting water from the Wingecarribee River.

Note: Options for the use of alternative water sources considered as part of the Water Supply Strategy may be the subject of a separate approvals process.
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- d) a **Transport Management Plan** to outline management of traffic conflicts associated with the operation of the cement works upgrade. The Code shall include, but not necessarily be limited to:
  - i) details of any restriction to traffic routes;
  - ii) minimum requirements for vehicle maintenance to address noise and exhaust emissions;

- iii) speed limits to be observed along routes to and from the sites and within the site; and
  - iv) behaviour requirements for vehicle drivers to and from the site and within the site.
- 5.6 Within three years of the commencement of operation of the cement works upgrade, and at least every three years thereafter, the Applicant shall undertake a formal review of the Operation Environmental Management Plan (OEMP) required under condition 5.3 of this consent. The review shall ensure that the OEMP is up-to-date and all changes to procedures and practices since the previous review have been fully incorporated into the OEMP. The Applicant shall notify the Director-General, Council and the DEC of the completion of each review, and shall supply a copy of the updated OEMP to those parties on request. The Applicant shall also make any revised OEMP available for public inspection on request.

## 6. ENVIRONMENTAL REPORTING

### Incident Reporting

- 6.1 The Applicant shall notify the DEC and the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Applicant shall provide written details of the incident to the EPA and the Director-General within seven days of the date on which the incident occurred.
- 6.2 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 6.1, within such period as the Director-General may agree.

Note: Condition 6.2 of this consent does not limit or preclude the DEC from requiring any action to address the cause or impact of any incident, in the context of the EPA's statutory role in relation to the cement works upgrade.

### Annual Performance Reporting

- 6.3 The Applicant shall, throughout the life of the cement works upgrade, prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report (AEMR)**. The AEMR shall review the performance of the cement works upgrade against the Operation Environmental Management Plan (refer to condition 5.3 of this consent), the conditions of this consent and other licences and approvals relating to the cement works upgrade. The AEMR shall include, but not necessarily be limited to:
- a) details of compliance with the conditions of this consent;
  - b) a copy of the Complaints Register (refer to condition 4.3 of this consent) for the preceding twelve month period (exclusive of personal details), and details of how these complaints were addressed and resolved;
  - c) a comparison of the environmental impacts and performance of the cement works upgrade against the environmental impacts and performance predicted in the SEE and the additional information listed under condition 1.1;
  - d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person;
  - e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the cement works upgrade have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident;

- f) identification of trends in monitoring data over the life of the cement works upgrade to date;
  - g) a list of variations obtained to approvals applicable to the cement works upgrade and to the site during the preceding twelve-month period; and
  - h) environmental management targets and strategies for the following twelve-month period, taking into account identified trends in monitoring results.
- 6.4 The Applicant shall submit a copy of the AEMR to the Director-General, the DEC and Council every year, with
- a) the first AEMR to be submitted within twelve months of commencement of operation of the cement works upgrade; and
  - b) the second and subsequent AEMRs to be submitted concurrently with the DEC's Annual Return.
- 6.5 The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the cement works upgrade, in response to review of the Annual Environmental Report and any comments received from the DEC and/or Council. Any action required to be undertaken shall be completed within such period as the Director-General may agree.

Note: The AEMR does not aim to satisfy any requirement of the DEC with regard to any Annual Return required under any licence issued for the cement works upgrade under the *Protection of the Environment Operations Act 1997*.

- 6.6 The Director-General may, having considered any submission made by the Applicant, consent to the incorporation of the requirements listed under condition 6.3 into the AEMR required under the conditions of consent for other development at the site.
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