

PA 09_0006 Independent Audit 2026

Rutherford Ceramic Tile Facility

National Ceramic Industries Australia

9 April 2026



Document version history

Version	Date	Revision description	Prepared by	Author
0	2 March 2026	Final	Kurt Speirs – Environmental Project Manager Emma Spires – Environmental Consultant	Elliot Holland – Principal Auditing & Compliance
1	9 April 2026	Revised following DPHI RFI (RFI111153238)	Kurt Speirs – Environmental Project Manager Emma Spires – Environmental Consultant	Elliot Holland – Principal Auditing & Compliance

Abbreviations

Abbreviation	Definition
AECOM	AECOM Pty Ltd
AEMR	Annual Environmental Management Report
ANC	Administrative Non-Compliance
AQMP	Air Quality Management Plan
ARI	Average Recurrence Interval
CAs	Corrective Action
CEPM	Construction Environmental Management Plan
CPHR	Conservation Programs, Heritage and Regulation
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
DPE	Department of Planning and Environment
DPHI	The Department of Planning, Housing and Infrastructure
DPIE	Department of Planning, Industry and Environment
EA	Environmental Approval
EC	Electrical Conductivity
EMS	Environmental Management Strategy
EPA	Environment Protection Authority
EPL	Environment Protection License
ERP	Emergency Response Plan
ESCP	Erosion and Sediment Control Plan
HWC	Hunter Water Corporation
IEAIA	Independent Environmental Audit
Ineco	Smart Infrastructure Consulting Pty Ltd
LMP	Landscape Management Plan
MCC	Maitland City Council
NC	Non-compliant
NCIA	National Ceramic Industries Pty Ltd
NMP	Noise Management Plan
NPfI	Noise Policy for Industry
OEH	Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
OFI	Opportunity for improvement
Onward	Onward Consulting Pty Ltd
PA	Project Approval
PIRMP	Pollution Incident Response Management Plan
POEO Act	Protection of the Environment Operations Act 1997
Project Approval	PA09_0006 MOD2
RFI	Request for Information
RMS	Former Roads and Maritime Services
The Facility	Rutherford Ceramic Tile Facility
TMP	Traffic Management Plan
WMP	Water Management Plan

Abbreviation	Definition
WQA	Water Quality Assessment
WRRMP	Waste & Resource Recovery Management Plan

Executive summary

Onward Consulting Pty Ltd (Onward) was engaged by National Ceramic Industries Australia Pty Ltd (NCIA) to conduct an Independent Audit (IA) of the Rutherford Ceramic Tile Facility.

The IA was undertaken in accordance with the requirements of:

- AS/NZS ISO 19011:2019 Guidelines for quality and/or environmental management systems auditing
- Schedule 3, Condition 61 of PA 09_0006 (as modified)
- the Independent Audit Post Approval Requirements (DPIE, 2020)

The IA period for which this IA applies is inclusive of the period from 8 March 2023 to 19 January 2026. This report presents the findings of this IA.

The IA team consisted of:

- Lead Auditor – Kurt Speirs of Onward
- Lead Auditor – Elliot Holland of Onward
- Assistant Auditor – Emma Spires of Onward

This IA was inclusive of the following:

- a single day site inspection at the Facility on 19 January 2026, which included IA interviews with key personnel (section 2.2 of this IA)
- consultation with regulatory agencies to obtain feedback and identification of any key issues to focus on during the IA (section 2.3 of this IA)
- the status and implantation of the previous IA findings, recommendations and actions (section 3 of this IA)
- an assessment of compliance against all conditions:
 - PA09_0006 MOD 2 (section 3.3.1 and Appendix D of this IA)
 - Statement of Commitments (section 3.3.2 and Appendix E of this IA)
 - Environmental Protection Licence (EPL) 11956 (section 3.3.3 and Appendix F of this IA)
- a review of the adequacy of the environmental management strategies, plans and programs required under the consent (section 3.4 of this IA)
- identification and discussion of the complaints and incidents that occurred during the IA period (section 3.5 of this IA)
- consideration of actual versus those predicted in the NCIA Expansion Environmental Assessment (EA) (section 3.6)
- an assessment of the environmental performance of the development through the review of the implementation of key environmental management strategies, plans and programs (section 4 of this IA)
- identification of the Corrective Actions (CAs) and/or Opportunities for Improvement (OFI) (section 5 of this IA)

Audit summary findings

The IA noted that compliance with the conditions of the relevant approvals, licences and leases listed in section 1.3.2 was high, as follows:

- PA 09_0006: Compliance with approximately 90% of conditions (i.e. 58 of 64 conditions, with 20 conditions identified as 'Not Triggered' and 2 conditions defined as 'Note') (Appendix D of this IA).
- Statement of Commitments: Compliance with 100% of commitments (i.e. 12 of 12 conditions, with 4 commitments identified as 'Not Triggered') (Appendix E of this IA).
- EPL 11956: Compliance with approximately 90% of conditions (i.e. 54 of 60 conditions, with 6 conditions identified as 'Not Triggered', and 10 conditions defined as 'Note') (Appendix F of this IA).

However, the IA assessed a total of 12 non-compliances, as follows:

- PA 09_0006, with more detail provided in section 3.3.1 of this IA, non-compliances include:
 - **NC01** (Schedule 2, Condition 2)
 - **NC02** (Schedule 2, Condition 11)
 - **NC03** (Schedule 3, Condition 41)
 - **NC04** (Schedule 4, Condition 58)
 - **NC05** (Schedule 4, Condition 59)
 - **NC06** (Schedule 4, Condition 64)
- EPL 11956, with more detail provided in section 3.3.3 of this IA, non-compliances include:
 - **NC07** (Condition L1.1)
 - **NC08** (Condition O1.1)
 - **NC09** (Condition O2.1)
 - **NC10** (Condition R2.1)
 - **NC11** (Condition R2.2)
 - **NC12** (Condition U2.1)

Associated CAs and OFIs are included in section 5, as relevant.

It is noted, 9 of the 12 non-compliances relate to the 14 April 2023 pollution incident discussed in section 3.2.1 of this IA (i.e. **NC02**, **NC03**, **NC04** and **NC05** for PA 09_0006, and **NC07** to **NC11** for EPL 11956).

Executive Summary Table Non-compliance summary

Finding ID	Non-compliance	Source	Condition	Risk rating
NC01	This is a non-compliance in relation to the other non-compliances against relevant conditions of the consent.	PA 09_0006	Schedule 2, Condition 2	Low
NC02	Non-compliance has been identified in relation to maintenance of the over flow alarm on the aeration pond.		Schedule 2, Condition 11	Low
NC03	Conduct of the IA determined a low risk non-compliance with the requirements of this condition due to the spill containing wastewater from the ceramics manufacturing process discharging offsite to an unnamed tributary of Stony Creek.		Schedule 3, Condition 41	Low
NC04	Administrative non-compliance (ANC) has been identified due to NCIA not notifying DPHI following the incident identified in NC03.		Schedule 4, Condition 58	ANC
NC05	ANC as NCIA had not provided a report to DPHI within 7 days of the incident identified in NC03.		Schedule 4, Condition 59	ANC

Finding ID	Non-compliance	Source	Condition	Risk rating
NC06	The NCIA webpage generally complies with requirements for specified documents to be made publicly available; however, administrative non-compliance was identified due to certain items not being available.		Schedule 4, Condition 64	ANC
NC07	Conduct of the IA determined a low risk non-compliance with the requirements of this condition due to the spill containing wastewater from the ceramics manufacturing process discharging offsite to an unnamed tributary of Stony Creek.	EPL 11596	Condition L1.1	Low
NC08	Refer to NC07		Condition O1.1	Low
NC09	Refer to NC02		Condition O2.1	Low
NC10	ANC has been identified due to NCIA not notifying EPA following the incident identified in NC07.		Condition R2.1	ANC
NC11	ANC as NCIA had not provided written details to the EPA within 7 days of the identified in NC03.		Condition R2.2	ANC
NC12	ANC identified regarding the requirement for a program of works including timeframes and costings improvements identified in the WMP.		Condition U2.1	ANC

All non-compliances were identified against relevant approvals discussed in section 3.3, Appendix D (i.e. PA 09-0006 MOD 2), Appendix E (Statement of Commitments), and Appendix F (EPL 11956).

A summary of the overall environmental performance is summarised in section 4 of this IA, and CAs and OFIs are summarised in section 5 of this IA.

Audit conclusion

The Rutherford ceramic tile facility is operated by experienced and knowledgeable personnel who provided all requested documentation and relevant contextual information during the IA. The site inspection was methodically facilitated by members of the NCIA management team.

Appropriate management measures have been implemented to support compliance across site operations. Given the size of the operational workforce, NCIA does not directly employ environmental specialists; instead, environmental monitoring and management planning are undertaken by suitably qualified external consultants. This arrangement is supported by internal management systems and the ongoing adaptive management of site-specific controls.

The response to the pollution event examined in this IA demonstrated a clear commitment to environmental management and continuous improvement, including proactive engagement with regulatory authorities and environmental professionals.

Throughout the IA process, NCIA personnel were transparent in providing information and receptive to feedback and discussion regarding contemporary environmental matters.

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1. Introduction

1.1. Background of the project

The Rutherford Ceramic Tile Facility (the Facility) is located in Rutherford, in the Hunter Valley region of NSW, and is operated by National Ceramic Industries Pty Ltd (NCIA).

The Facility was granted Project Approval (PA 09_0006) on 19 January 2012 by the (then) Minister for the former Department of Planning and Infrastructure (DP&I) (now the Department of Planning, Housing, and Infrastructure [DPHI]). PA 09_0006 has been modified once since initial approval, approved on 17 December 2014, related to amending Schedule 4, Condition 60(a), which removed the requirement for the annual environmental management reports (AEMR) to be prepared by a suitably qualified and independent team. The intention for this modification was to endorse AECOM Pty Ltd (AECOM) to complete these reports.

As required by Schedule 3, Condition 61 of PA 09_0006 (as modified), NCIA is required to complete an independent audit (IA) for the Facility every three years.

1.1.1. Department of Planning, Housing and Infrastructure endorsement

NCIA engaged Onward Consulting Pty Ltd (Onward) to conduct the IA with the following Audit Team, with the DPHI endorsing the appointment of the IA Team on 21 November 2025 (Appendix A), including.

- Lead Auditor – Kurt Speirs of Onward
- Lead Auditor – Elliot Holland of Onward
- Assistant Auditor – Emma Spires of Onward

1.1.2. Period covered by the IA

The IA period is from 8 March 2023 (the last day of the previous IA completed by Talis Consultants) to 19 January 2026 (the day of the site inspection for this IA).

Due to technical issues associated with sharing a copy of the final IA report. DPHI approved a submission date extension from 2 March 2026 to 6 March 2026. Onward notes this does not change the period covered by this IA. The next IA period is 19 January 2026 to the next site inspection (by 19 January 2029).

DPHI approval can be identified in Appendix C.

1.2. Site description

NCIA manufactures ceramic wall and floor tiles for the Australian market from its facility located off Racecourse Road within the Rutherford Industrial Estate, NSW.

The operation currently comprises one spray drier, a clay mill, two tile production lines and two kilns, all housed within a single factory building approximately 488 m long and 80 m wide.

The current operations represent the first two of eight approved stages of the Facility.

1.3. Audit objective and scope

1.3.1. Objective

Onward was commissioned to undertake an IA of the Facility on behalf of NCIA. The primary purpose of this IA was to satisfy the Schedule 4, Conditions 61 and 62 of PA 09_0006, which requires completion of an IA every three years (Table 1.1).

Table 1.1 Audit requirements

Condition	Requirement	Reference to report section
Schedule 4 Condition 61	Every 3 years from the date of this approval, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:	section 1
(a)	be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Secretary;	sections 1.1.1 and Appendix A
(b)	be undertaken in consultation with the OEH and Council;	section 2.3
(c)	include an assessment of the noise and air quality performance of the project;	sections 4.4 and 4.5
(d)	assess the environmental performance of the project and undertake any works necessary to determine whether it is complying with the relevant standards, performance measures, and statutory requirements;	section 4
(e)	review the adequacy of any strategy/plan/program required under this approval; and, if necessary,	section 3.4
(f)	recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.	section 5
Schedule 4 Condition 62	Within 6 weeks of completing this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report.	Outside the IA process
Schedule 4 Condition 63	Within 3 months of submitting an audit report to the Secretary, the Proponent shall review and if necessary revise the strategy/plans/programs and undertake additional mitigation measures as required under this approval to the satisfaction of the Secretary.	Outside the IA process

1.3.2. Scope

The IA considered compliance with conditions of relevant approvals, licences and leases listed in Table 1.2, and was conducted in accordance with:

- AS/NZS ISO 19011:2019 Guidelines for quality and/or environmental management systems auditing
- Schedule 4, Condition 61 of PA 09_0006
- the Independent Audit Post Approval Requirements (DPIE, 2020)

Table 1.2 Approvals audited

Approval document	Relevant section reference
PA 09_0006	section 3.3.1 and Appendix D
Statement of Commitments	section 3.3.2 and Appendix E
Environment Protection Licence (EPL) 11956	section 3.3.3 and Appendix F

Relevant evidence to determine the compliance ratings against the conditions is presented in Appendix D, Appendix E, and Appendix F. This includes relevant management plans, as listed in Table 1.3.

Table 1.3 Management plans evaluated

Management plan	Version and date	Section reference
Operation Environmental Management Plan (OEMP), including sub management plans	Version 6, 6 February 2024	section 3.4.1
Water Management Plan (WMP)	Version 2, 24 October 2024	section 3.4.2
Waste and Resource Recovery Management Plan (WRRMP)	Version 2, 27 October 2024	section 3.4.3
Pollution Incident Response Management Plan (PIRMP)	Version 1, 7 January 2025	section 3.4.4
Emergency Response Plan (ERP)	Version 6, 6 February 2024	section 3.4.5

1.4. Audit commencement

An inception meeting was held between Onward and NCIA on 26 November 2025 to:

- confirm the IA methodology
- identify relevant personnel involved in the IA
- discuss key activities and systems occurring on site
- identify key documentation for review
- schedule a date for the site inspection

1.5. Limitations

This IA report has been prepared by Onward for NCIA and may only be used and relied on by NCIA for the purpose agreed between Onward and NCIA as set out in section 1.3 of this report.

Onward otherwise disclaims responsibility to any person other than NCIA arising in connection with this report. Onward also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by Onward in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out section 1.3.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. Onward has no responsibility or obligation to update this report to account for events or changes occurring after the date that the report was prepared.

2. IA methodology

A desktop review of all approval documents including management plans, as well as monitoring data and community complaints, was conducted to determine the contents of the IA protocol to be used during the site inspection and interviews. Evidence was collected and reviewed as part of the IA, including monitoring records, reports, and correspondence.

Documents and data collected during the IA process were reviewed prior to the on-site component of the IA where possible. Additional documents were provided to the IA team during, and following completion of, the on-site component of the IA.

All information obtained during the IA process was verified by the IA team. Statements made by site personnel were verified by viewing relevant documentation and/or visual observations made during the site inspection. IA findings have been outlined in this report, including where suitable evidence was unable to be obtained.

2.1. IA participants

The IA was led by Kurt Speirs, Lead Auditor – Environmental Management Systems (C- 491853).

The IA participants are listed in Table 2.1, which includes the IA team as approved by DPHI (Appendix A), and relevant personnel of NCIA.

Table 2.1 IA participants

Audit participants	Organisation	Role	Qualifications
Elliot Holland	Onward	Lead Auditor and Project Director	Lead Auditor – Environmental Management Systems (EMS) (C-115351) Bachelor of Environmental Science and Management
Kurt Speirs	Onward	Lead Auditor and Project Manager	Lead Auditor – EMS, and Work Health and Safety Bachelor of Environmental Science and Management
Emma Spires	Onward	Assistant Auditor	Integrated Management Systems and approved assessor for joint TSM and Copper Mark
Chris Scheider	NCIA	Site Manager	N/A
Craig Oliver	NCIA	Factory Manager	N/A
Peter Drinkwater	NCIA	Factory Manager	N/A

2.2. IA site inspection

2.2.1. Opening and closing meetings

The opening and closing meetings were held at the Facility during the site inspection completed on 19 January 2026.

The opening meeting on 19 January 2026 discussed the IA objectives, scope, resources required, and methodology to be applied.

The objectives of the closing meeting were to discuss any outstanding matters, present preliminary findings, and outline the process for finalising the IA report.

2.2.2. IA interviews

During the on-site component of the IA, interviews were conducted with the list of auditees included in Table 2.1.

2.2.3. Site inspection

A detailed site inspection was conducted on 19 January 2026.

During the inspection, site documentation and the physical aspects of environmental management and implementation of management plans and programs were reviewed.

Conditions during the site inspection were noted to be:

- up to approximately 26 degrees Celsius
- winds up to 39 m per second (m/s), predominantly from the south-east
- mostly overcast, with approximately 8 mm of rain during morning prior to the site inspection and 36 mm of rain the previous day

The locations inspected during the site inspection included:

- warehouse and manufacturing facilities
- roads within the premises
- outdoor lighting
- bag-houses of the proposed kiln stacks located inside the eastern wall of the new factory
- enclosed dust extraction units, located on the southern end of the eastern wall of the new factory building
- mill & spray dryer section of the building
- aeration bay – stormwater system
- grass and vegetated areas
- security fencing around the perimeter and lockable gates at each entry point
- vehicle parking zones onsite and specific park parameters, including disabled parking
- sediment basins
- 4x wet detention basins, grass swales and other stormwater infrastructure (e.g. pits and pipework)
- waste storage
- fuel storage tanks and surrounding bunds
- ponds

2.3. Agency/stakeholder consultation

The IA team attempted consultation with the following agency and administrative organisations:

- DPHI Compliance
NSW Resources (formerly the NSW Resources Regulator)
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), including the following agencies/divisions:
 - Water Group
 - Conservation Programs, Heritage and Regulation (CPHR)
 - Commonwealth DCCEEW
- NSW Environment Protection Authority (EPA)
- Maitland City Council (MCC)

Responses were not received from NSW EPA or MCC.

Agency and administrative organisation responses to the IA request for input are provided in Table 2.2 and Appendix C.

Table 2.2 Agency and administrative organisation IA requirements

Auditor to consider	Responses and / or relevant section reference
Department of Planning Housing and Infrastructure	
No specific focus beyond the consent requirement for the IA.	Noted
NSW Resources	
The NSW Resources does not have any comments noting that the Facility is not within their regulatory remit.	Noted
Commonwealth DCCEEW	
Due to a high volume of requests requiring processing, they do not currently have capacity to provide input to this request.	Noted
DCCEEW Water	
NSW DCCEEW Water Group requests that the audit address compliance with the following specific elements of the consent conditions and related legislative requirements in a manner consistent with the above audit scope:	
- The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include: - Water Management Plans (WMP) and related sub-plans e.g. Site Water Balance, Erosion and Sediment Control Plan (ESCP), Stormwater Management Plan, Surface and Groundwater Management Plan - Extraction Plans and related sub-plans e.g. Water Management Plan, Subsidence Management Plan	section 3.4.2 Extraction plans are not a requirement for the Project.
The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting.	section 3.4.2 WMP implement mitigation measures and controls with an alarm system on aeration basis to prevent the over flow of waste water into ponds. Trigger action response plan is not implemented.
Water supply availability is clearly defined for the project.	section 3.4.2
Water take at the stage via storage, diversion, interception or extraction is clearly documents and is authorised by a Water Access Licence/s or exemption under the Water Management (General) Regulation 2025.	section 3.4.2
Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous years, and 3) identifies exceedances and how these are managed/mitigated	section 3.4.2
NSW EPA	
No formal response received	
MCC	
No formal response received	

2.4. IA definitions

IA reporting was undertaken generally in accordance with the requirements of the Independent Audit Post Approval Requirements (DPIE, 2020).

Compliant

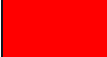
The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the IA.

Non-compliant

The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the IA.

In addition, while not required by the Independent Audit Post Approval Requirements (DPIE, 2020), risk ratings have also been assigned for non-compliances as identified in Table 2.3.

Table 2.3 Risk ratings for non-compliances

Risk level	Colour code	Description
High		Non-compliance, with potential for significant environmental consequences, regardless of the likelihood of occurrence.
Medium		Non-compliance, with: - potential for serious environmental consequences, but is unlikely to occur; or - potential for moderate environmental consequences but is likely to occur.
Low		Non-compliance, with: - potential for moderate environmental consequences, but is unlikely to occur; or - potential for low environmental consequences but is likely to occur.
Administrative (ANC)		Only 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).

Not triggered

A requirement has an activation or timing trigger that has not been met during the temporal scope of the IA being undertaken (may be a retrospective or future requirement). Therefore, an assessment of compliance is not relevant.

Note

A statement or fact, where no assessment of compliance is required.

Corrective action (CA)

Is identified where there is an issue of compliance, and the action needs to be undertaken to close out the compliance issue.

Opportunity for improvement (OFI)

Has generally been identified where there is not an issue of compliance, but improvements could be made to enhance tracking of compliance.

3. IA findings

3.1. Previous independent IA and status

Table 3.1 Status of 2023 IA findings / recommendations

Condition	ID	2023 IA finding / recommendation	2026 IEA Responses	2026 IA finding	Status
PA 09_0006 Schedule 3, Condition 16	NC1	NCIA should implement relevant measures to ensure compliance with the Project Approval load limits. NCIA should review and address stack concentrations that are above values used in the NCIA Expansion Environment (AECOM, 2010).	NCIA were compliant with all Project Approval load limits for the 2022 reporting period, with 2022 being the latest completed reporting period covered by the IEA. A new fluoride scrubber was commissioned in December 2021 which has assisted with compliance. NCIA expect ongoing compliance with Project Approval load limits. Subsequent to the IA period NCIA were compliant with all Project Approval load and concentration limits for the 2023, 2024 and 2025 reporting periods.	The AEMRs include a review of annual total load discharge data. The 2023, 2024 and 2025 AEMRs reported that all discharge was within the pollutant load limit.	Closed
PA 09_0006 Schedule 3, Condition 32	NC2	NCIA should either review the construction contract for the Facility to assess if lighting was required to be installed in accordance with AS 4282:1997; or if this information is not available or is inconclusive, commission a qualified lighting expert to undertake a survey or IA of the outdoor lighting against AS 4282:2019 to verify its compliance.	After being unable to locate original construction documentation, NCIA will commission a qualified lighting expert to undertake a compliance review. Subsequent to the IEA NCIA have located a document titled "Lighting Post Retrofit Audit Report" from December 2013. A gap analysis will be prepared to ensure adequate paperwork is on hand to support compliance with Project Approval Clause 32 Lighting	The external lighting at the Facility was assessed during the IA period and considered compliant demonstrated in correspondence from AECOM Principal lighting designer on 20 February 2024 There have been no changes or new external lighting since 20 February 2024.	Closed
PA 09_0006 Schedule 4, Condition 61	NC3	IA reports were commissioned in 2012, 2015, 2018 and 2023, therefore this IA report was not commissioned within the required 3 years from 2018. To comply with this requirement, the next IA should be commissioned by 19 January 2024.	There are a number of reasons, both internal and external, for the delay in commissioning the required IEA. After confirming the required commissioning date for the next IEA, NCIA will ensure ongoing compliance with the three-year timetable.	This IA period is from 8 March 2023 to 19 January 2026, within three years of the previous IA. The Approval Condition states 'three years from the data of this approval, unless the Director General directs otherwise. Correspondence from DPHI to NCIA on 21 November 2025 confirmed the independent IA team, agencies and additional notes. Within these notes, DPHI identifies: 'The IEA period is the day after the site inspection date of the previous IEA, to the final site inspection date of the current IA.' It is noted in 2023 IA, the reason for the delay of the 2021 IA was in part to Covid-19.	Closed

Condition	ID	2023 IA finding / recommendation	2025 AEMR responses	2026 IA finding	Status
N/A	OF11	It is noted that Table 1 Summary of NCIA Personnel Responsibilities in the OEMP is out of date as the personnel titles are now incorrect, there being a Project & Compliance Manager who is not mentioned in the Table. It is recommended that the OEMP be revised as required to include the current personnel and their titles with responsibilities for implementing and ensuring compliance with the OEMP.	No comment made by management regarding OF11, as the OEMP was updated in 2024.	NCIA updated the OEMP (Version 6, 6 February 2024) during the IA period to include correct titles in roles and responsibilities table.	Closed
N/A	OF12	In accordance with Condition 7.5 of the relinquished Development Consent, the OEMP is formally reviewed on a three yearly basis to ensure that directives are up-to-date and that all changes to procedures and practices identified in prior reviews have been fully incorporated. Revision 5 of the OEMP is dated 23-Feb-2018. Revision 6 should have been completed in 2021. It is recommended that the OEMP is reviewed in 2024 to bring it up to date on the required three-yearly review schedule, accepting that the 2021 review did not occur	No comment made by management regarding OF12, as the OEMP was updated in 2024.		

3.2. Summary of agency notices, orders, and penalties

3.2.1. NSW EPA Clean up notices – 14 April 2023 pollution incident

On 12 April 2023, a spill containing wastewater from the ceramics manufacturing process was identified by the NSW EPA and found to have spilled overland into detention ponds and eventually offsite to an unnamed tributary of Stony Creek, with the NSW EPA providing verbal notification to NCIA.

An initial Clean-up notice (3505194) issued on 14 April 2023. Subsequent Clean-up notices detailed the event and the actions to be taken to prevent potential environmental harm and reduce the likelihood of repeat occurrences. Further detail regarding subsequent Clean-up notices is identified in section 3.2.

Review of relevant documentation indicates a failure occurring in the warning alarm system was a contributing factor to the pollution incident, which had not been inspected or maintained in an unknown number of years. An environmental assessment completed by AECOM in May 2023 found the ongoing risk to human and ecological receptors within the downstream environment because of the spill to be low. However, ambient monitoring in June 2023 identified that release of water could cause harm to aquatic life.

Key management outcomes to prevent potential environmental harm and reduce the likelihood of repeat occurrences included the requirement for:

- dewatering and desilting of the two impacted detention ponds downstream of the aeration basin, which was completed during June and July 2023 and the material removed from the Facility in November 2023.
- development of the WMP, as directed by the NSW EPA in a variation to EPL 11956

Conduct of the IA determined the WMP for the Project identifies the warning alarm system on the aeration pond and identifies associated inspection requirements. In addition, the IA confirmed the warning alarm system has been reinstated, including a redundant mechanism, and daily checks are now completed by team leaders.

The NSW EPA formally advised on 6 June 2024 that NCIA had complied with the directions of the Clean-up Notice, with the issue considered closed.

3.3. Summary of non-compliances

The IA noted that compliance with the conditions of the relevant approvals, licences and leases listed in section 1.3.2 was high, as follows:

- PA 09_0006: Compliance with approximately 90% of conditions (i.e. 58 of 64 conditions, with 20 conditions identified as 'Not Triggered' and 2 conditions defined as 'Note') (Appendix D).
- Statement of Commitments: Compliance with 100% of commitments (i.e. 12 of 12 conditions, with 4 commitments identified as 'Not Triggered') (Appendix E).
- EPL 11956: Compliance with approximately 90% of conditions (i.e. 54 of 60 conditions, with 6 conditions identified as 'Not Triggered', and 10 conditions defined as 'Note') (Appendix F).

However, the IA assessed a total of 12 non-compliances, as follows:

- PA 09_0006, with more detail provided in section 3.3.1, non-compliances include:
 - **NC01** (Schedule 2, Condition 2)
 - **NC02** (Schedule 2, Condition 11)
 - **NC03** (Schedule 3, Condition 41)
 - **NC04** (Schedule 4, Condition 58)
 - **NC05** (Schedule 4, Condition 59)
 - **NC06** (Schedule 4, Condition 64)

- EPL 11956, with more detail provided in section 3.3.3, non-compliances include:
 - **NC07** (Condition L1.1)
 - **NC08** (Condition O1.1)
 - **NC09** (Condition O2.1)
 - **NC10** (Condition R2.1)
 - **NC11** (Condition R2.2)
 - **NC12** (Condition U2.1)

Associated CAs and OFIs are included in section 5, as relevant.

It is noted, 9 of the 12 non-compliances related to the 14 April 2023 pollution incident discussed in section 3.2.1 (i.e. **NC02**, **NC03**, **NC04** and **NC05** for PA 09_0006, and **N07** to **NC11** for EPL 11956).

3.3.1. PA 09_0006

Table 3.2 PA 09_0006 non-compliances

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC01	Schedule 2, Condition 2	The Proponent shall carry out the project generally in accordance with the: ... conditions of this approval. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency	NCIA operates the site generally in accordance with PA 09_006; however, non-compliance with several conditions have been identified, as discussed below. These primarily relation to pollution events occurring 12 April 2023. Therefore, a low risk non-compliance has been identified with this condition.	Low	N/A
NC02	Schedule 2, Condition 11	The Proponent shall ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient condition; and...	On 12 April 2023, a spill containing wastewater from the ceramics manufacturing process was identified by the NSW EPA and found to have spilled overland into detention ponds and eventually offsite to an unnamed tributary of Stony Creek, with the NSW EPA providing verbal notification to NCIA. An initial Clean-up notice (3505194) issued on 14 April 2023. Subsequent Clean-up notices detailed the event and the actions to be taken to prevent potential environmental harm and reduce the likelihood of repeat occurrences. Further detail regarding subsequent Clean-up notices is identified in section 3.2. Review of relevant documentation indicates a failure occurring in the warning alarm system was a contributing factor to the pollution incident, which had not been inspected or maintained in an unknown number of years. An environmental assessment completed by AECOM in May 2023 found the ongoing risk to human and ecological receptors within the downstream environment because of the spill to be low. However, ambient monitoring in June 2023 identified that release of water could cause harm to aquatic life. Key management outcomes to prevent potential environmental harm and reduce the likelihood of repeat occurrences included the requirement for: - dewatering and desilting of the two impacted detention ponds downstream of the aeration basin, which was completed during June and July 2023 and the material removed from the Facility in November 2023. - development of the WMP, as directed by the NSW EPA in a variation to EPL 11956 Conduct of the IA determined the WMP for the Project identifies the warning alarm system on the aeration pond and identifies associated inspection requirements. In addition, the IA confirmed the warning alarm system has been reinstated, including a redundant mechanism, and daily checks are now completed by team leaders. The NSW EPA formally advised on 6 June 2024 that NCIA had complied with the directions of the Clean-up Notice, with the issue considered closed.	Low	

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC03	Schedule 3, Condition 41	Except as may be expressly provided in an EPL for the project, the Proponent shall comply with section 120 of the POEO Act.	Conduct of the IA determined a low risk non-compliance with the requirements of this condition due to the spill containing wastewater from the ceramics manufacturing process discharging offsite to an unnamed tributary of Stony Creek. Further discussion is provided at NC02 .	Low	CA
NC04	Schedule 4, Condition 58	Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and any other relevant agencies of the incident.	Conduct of the IA determined NCIA did not notify the DPHI of the incident discussed at NC02 . Therefore, conduct of the IA has determined an administrative non-compliance with the requirements of this condition.	ANC	CA
NC05	Schedule 4, Condition 59	Within 7 days of the detection of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident.	Conduct of the IA determined NCIA did not provide the DPHI with a detailed report on the incident discussed at NC02 . Therefore, conduct of the IA has determined an administrative non-compliance with the requirements of this condition.	ANC	CA
NC06	Schedule 4, Condition 64	Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or annual reports required under this approval, the Proponent shall: provide a copy of the relevant documents/data to the relevant agencies; and make the documents publicly available in an appropriate electronic format on the Proponent's web site, should one exist. If a web site does not exist, the documents are to be made available upon request.	Conduct of the IA determined general compliance with the requirements of this condition; however, the 2023 IA was not available on the Project website at the time of the IA: • 2023 IA • 2025 Noise Assessment (link is to the 2025 Annual Emissions Monitoring Summary) • Emissions Summary 2023 Therefore, an administrative non-compliance with the requirements of this condition has been determined.	ANC	OFI

3.3.2. Statement of Commitments

No non-compliances were identified with the statement of commitments.

3.3.3. EPL 11956

Table 3.3 EPL 11956 non-compliances

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC07	L1.1	Except as may be expressly provided in any other condition of this license, the licensee must comply with Section 120 of the Protection of the Environment Operations Act 1997.	On 12 April 2023, a spill containing wastewater from the ceramics manufacturing process was identified by the NSW EPA and found to have spilled overland into detention ponds and eventually offsite to an unnamed tributary of Stony Creek, with the NSW EPA providing verbal notification to NCIA. An initial Clean-up notice (3505194) issued on 14 April 2023. Subsequent Clean-up notices detailed the event and the actions to be taken to prevent potential environmental harm and reduce the likelihood of repeated occurrences. Further detail regarding subsequent Clean-up notices is identified in section 3.2. Review of relevant documentation indicates a failure occurring in the warning alarm system was a contributing factor to the pollution incident, which had not been inspected or maintained in an unknown number of years. An environmental assessment completed by AECOM in May 2023 found the ongoing risk to human and ecological receptors within the downstream environment because of the spill to be low. However, ambient monitoring in June 2023 identified that release of water could cause harm to aquatic life. Key management outcomes to prevent potential environmental harm and reduce the likelihood of repeat occurrences included the requirement for: - dewatering and desilting of the two impacted detention ponds downstream of the aeration basin, which was completed during June and July 2023 and the material removed from the Facility in November 2023. - development of the WMP, as directed by the NSW EPA in a variation to EPL 11956 Conduct of the IA determined the WMP for the Project identifies the warning alarm system on the aeration pond and identifies associated inspection requirements. In addition, the IA confirmed the warning alarm system has been reinstated, including a redundant mechanism, and daily checks are now completed by team leaders.	Low	CA

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
			The NSW EPA formally advised on 6 June 2024 that NCIA had complied with the directions of the Clean-up Notice, with the issue considered closed.		
NC08	O1.1	Licensed activities must be carried out in a competent manner. This includes:... (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Operations are generally undertaken in a competent manner at the Facility. However, a low risk non-compliance with the requirements of this condition has been identified in relation to the requirements of O1.1(b), as a result of the incident discussed at NC07 .	Low	CA
NC09	O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: (a) must be maintained in a proper and efficient condition; and...	Conduct of the IA identified a low risk non-compliance with this condition, relating to the maintenance of plant and equipment in a proper and efficient condition, as a result of the incident discussed at NC07 .	Low	CA
NC10	R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Conduct of the IA identified the pollution incident discussed at NC07 was identified by the NSW EPA, rather than being identified and notified by NCIA. Therefore, an administrative non-compliance has been identified in relation to the requirements of this condition.	ANC	CA
NC11	R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.	Conduct of the IA determined NCIA responded to the NSW EPA following Clean-up notices with an incident report and responses to requests for information by the NSW EPA for the pollution incident discussed at NC07 . However, evidence was unable to be sighted to confirm if this report was provided within 7 days of the NSW EPA notifying NCIA of the pollution event. Therefore, an administrative non-compliance has been identified in relation to the requirements of this condition.	ANC	CA
NC12	U2.1	The Licensee must provide a water management plan that is prepared by an appropriately qualified and experienced person to the EPA by 27 October 2024. The plan must include and may not be limited to:... (g) a program of works to implement recommended upgrades including costing and a timeframe for implementation of the upgrades to the water management system.	Conduct of the IA determined the WMP was generally developed in accordance with the requirements of Condition U2.1 and was submitted to the NSW EPA via email on the 25 October 2024. However, review of the WMP indicates Condition U2.1(g) has not been addressed, with costings and timelines for the rainwater catchment and other key improvements not identified in the WMP. Therefore, an administrative non-compliance has been identified in relation to the requirements of this condition.	ANC	CA

3.4. Adequacy of any strategies/plans, programs and compliance documents

Several conditions of PA 09_0006 requires preparation of plans, strategies and programs prior to commencement of construction works, including:

- Schedule 3, Condition 19: Air Quality Management Plan (AQMP)
- Schedule 3, Condition 27: Noise Management Plan (NMP)
- Schedule 3, Condition 40: Traffic Management Plan (TMP)
- Schedule 3, Condition 30: Landscape Management Plan (LMP)
- Schedule 3, Condition 42: Erosion and Sediment Control Plan (ESCP)
- Schedule 3, Condition 46: Stormwater Management Plan (SMP)
- Schedule 4, Condition 56: Environmental Management Strategy (EMS)
- Schedule 5, Condition 57: Construction Environmental Management Plan (CEMP)

Construction is defined in PA 09_0006 as including:

...any activity requiring a Construction Certificate, significant excavation work, road works, demolition, or any construction related activity as described in Major Projects Application 09_0006

Conduct of this IEA, which included review of prior IEA reports, has determined no activities requiring a Construction Certificate, or relating to relating to significant excavation work, road works, demolition has occurred. In addition, construction-related activities described in Major Projects Application 09_0006 (i.e. NCIA Expansion EA prepared by AECOM in 2010) relate to stages five to eight. As described in Major Projects Application 09_0006, stages one to four relate to existing operations approved under the former Development Consent (i.e. DA449-12-2002-i [as modified], which were approved to continue under PA 09_0006.

Therefore, the requirement for preparation of the aforementioned plans, strategies and programs required by PA 09_0006 has not yet been triggered for PA 09_0006, with the timeline for construction of the expansion approved by PA 09_0006 is dependent upon market demand and remains uncertain.

3.4.1. Operational Environmental Management Plan

At present, environmental management at the Facility is governed by the OEMP; however, PA 09_0006 does not include a requirement for an OEMP. Excluding the WMP (Version 2, 24 October 2024) and WRRMP (Version 2, 27 October 2024), which are required by EPL 11956, management of relevant environmental aspects are detailed in sections of the OEMP rather than existing as standalone, condition-specific documents. This is with

The OEMP (Version 6, 6 February 2024) was updated during the IA period to ensure compliance with Schedule 2, Condition 2 of PA 09_0006.

As a result of the pollution incident described in sections 3.2.1 and 0, resulting in a number of a number of non-compliances relation to incident notification and reporting requirements (i.e. **NC04** and **NC05** of PA 09_0006, and **NC10** and **NC11** of EPL 11956), **CA02** has been identified (section 5.1). In addition, to ensure consistency and prevent overlap between the OEMP and the WMP and WRRMP, **OFI03** has been identified (section 5.2).

3.4.2. Water Management Plan

Condition U2.1 of EPL 11956 requires development of a WMP by an appropriately qualified and experienced person by 27 October 2024, following updates in September 2024. NCIA engaged Ineco to deliver this work, with the WMP provided to the NSW EPA on 25 October 2024, and the NSW EPA confirming receipt of the WMP on 2 June 2025.

The WMP is a supplementary plan to Section 6 of the OEMP and has been generally developed in accordance with applicable legislation and the requirements of EPL 11956. However, review of the WMP indicates Condition U2.1(g) of EPL 11956 has not been addressed, with costings and timelines for the rainwater catchment and other key improvements not identified in the WMP. This has resulted in identification of **NC12** (section 3.3.3) and identification of **CA01** (section 5.1).

In addition, to ensure consistency and prevent overlap between the OEMP and WMP, **OFI03** has been identified (section 5.2).

3.4.3. Waste and Resource Recovery Management Plan

Condition U3.1 of EPL 11956 requires development of a WRRMP by an appropriately qualified and experienced person by 27 October 2024, following updates in September 2024. NCIA engaged Ineco to deliver this work, with the WRRMP provided to the NSW EPA on 25 October 2024, and the NSW EPA confirming receipt of the WMP on 2 June 2025.

Prior to this, the OEMP did not include a specific waste management section.

The WRRMP establishes performance requirements that focus on effective control of waste generation, handling, and disposal to minimise environmental impacts and ensure regulatory compliance.

To ensure consistency and prevent overlap between the OEMP and WRRMP, **OFI03** has been identified (section 5.2).

3.4.4. Pollution Incident Response Management Plan

The PIRMP (Version I, 7 January 2025) has been written and implemented in accordance with the requirements of relevant legislation and EPL 11956, with a Statement of Compliance for this requirement included in Annual Returns required by EPL 11956.

The PIRMP was updated twice during the IA period in consultation with the NSW EPA.

As a result of the pollution incident described in sections 3.2.1 and 0, resulting in a number of a number of non-compliances relation to incident notification and reporting requirements (i.e. **NC04** and **NC05** of PA 09_0006, and **NC10** and **NC11** of EPL 11956), **CA02** has been identified (section 5.1).

3.4.5. Emergency Response Plan

The ERP (Version 6, 6 February 2024) is provided in Appendix G of the OEMP, and has been updated twice during the IA period, as follows:

- 18 August 2023: In accordance with the recommendations of the 2023 IA.
- 6 February 2024: Updated NCIA and neighbour contact details.

The intention of the ERP is to identify the arrangements necessary for managers, staff and emergency organisations to deal with an emergency situation. There were no issues identified during the IA (i.e. documentary review, site inspection and interviews) necessitating revision to the ERP.

3.5. Complaints and reportable incidents

3.5.1. Complaints

Review of complaints data indicates NCIA received four complaints during the IA period, compared to two in 2023. One complaint raised two separate issues, which were recorded and addressed individually

All complaints were appropriately documented, with responses and actions proportionate to the issues raised. Review of the site complaints register and IA interviews indicates NCIA responds to complaints in a timely manner, with investigations undertaken to verify issues and ensure compliance with relevant standards and requirements. In relation to these complaints:

- Three related to noise, with two were received on the same night, with one occurring two weeks prior. An initial site inspection by MCC did not identify a noise source and addressed concerns regarding potential on-site burning. Subsequent investigation identified the rotary scrubber for Kiln 1 as the likely source. Maintenance was completed to address the issue. The noise was not audible within the facility but was considered potentially audible at surrounding receptors. No further complaints were received.
- Two related to other issues, with alleged burning of a toxic substance and overgrown vegetation within the water channel easement. Site inspections confirmed no evidence of burning; no actions were required. Vegetation management was increased following approval to use machinery within the easement, which contains a gas pipeline.

Complaints are summarised in Table 3.4.

Table 3.4 Total complaints by reporting period during the IA period

Reporting period		Type of complaint					
		Traffic	Noise	Odour	Dust	Other issues	Total
2023 reporting period	Number	0	0	0	0	0	0
	Percentage	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>
2024 reporting period	Number	0	0	0	0	1	1
	Percentage	0%	0%	0%	0%	100%	100%
2025 reporting period	Number	0	3	0	0	1	4
	Percentage	0%	75%	0%	0%	25%	100%

3.5.2. Reportable incidents under the Protection of the Environment Operations Act 1997

3.5.2.1. 12 April 2023 – Spill containing water from detention ponds:

On 12 April 2023, a spill containing waste water from the ceramics manufacturing process was found to have spilled overland into detention ponds and eventually offsite to an unnamed tributary of Stony Creek. The NSW EPA notified NCIA of the incident and issued an initial Clean up notice (3505194) for the incident.

Clean up notice 3505194 (issued 14 April 2023) summarises the observations from 12 April 2023:

On 12 April 2023, authorised officers of the EPA inspected the Facility and observed the following:

- (i) White slurry/sediment material overflowing from an aeration basin and flowing overland into a dam (Dam 1). The white slurry/sediment material appeared to be industrial wastewater consisting of clay or similar material mixed with water from the ceramics manufacturing process (wastewater) at the Premises.*
- (ii) Dam 1 visually appeared to have elevated turbidity due to the water being white in colour. The turbidity of the water in Dam 1 appeared to be due to the presence of wastewater containing white slurry/sediment.*
- (iii) Water from Dam 1 was observed to be flowing into a second dam (Dam 2) via a series of pipes and drainage lines. Dam 2 also appeared to have elevated turbidity due to the water being white in colour. The appearance of the water in Dam 2 also appeared to be due to the presence of wastewater containing white slurry/sediment.*
- (iv) Water from Dam 2 was observed to be flowing via a pipe culvert into a drainage line and leaving the Premises through a fence. Water from the drainage line flows into an unnamed tributary of Stony Creek. Water leaving the premises and flowing into the unnamed Tributary of Stony Creek was observed to be turbid due to the presence of white slurry/sediment.*
- (v) Water in the unnamed tributary of Stony Creek directly south of the Premises was observed to be turbid due to the presence of white slurry/sediment.*

The timeline and nature of these Clean-up notices is reflected below:

- 12 April 2023: Verbal Clean-up notice issued prevent wastewater leaving site immediately
- 14 April 2023: Clean-up notice 3505194 issued
- 15 April 2023: Authorised officers of the NSW EPA inspected the Premises and became aware that a level sensor was previously installed on the aeration basin
- 28 April 2023: Clean up notice 3505297 issued – Variation to change the due date to May 12, 2023
- 1 May 2023: Provision of email by NCIA to the NSW EPA explaining that the level sensor on the aeration basin had been re-installed and was now operating
- 2 May 2023: Provision of email by NCIA to the NSW EPA explaining that the level sensor on the aeration basin will now activate a siren when the liquid level is approximately 300mm from the top of the basin
- 12 May 2023: Clean up notice 3505411 issued – Variation to change the due date to 26 May 2023

- 22 May 2023: Provision of email by NCIA to the NSW EPA in relation to an R3 Report request from the NSW EPA in relation to the discharge event.
 - The report explained that a high-level alarm is located in the aeration basin but was not in use during the discharge event on 12 April 2023,
 - The report further added that the high-level alarm has been reinstated.
 - The NSW EPA Clean-up notice identified reasonable grounds to suspect that NCIA holds information and/or records that may be relevant to further the NSW EPA's investigation into waste at the premises not being stored in a competent manner and the level sensor equipment installed in the aeration pond not being maintained and/or operated in a proper and efficient manner.
- 29 May 2023: Draft EPL conditions were received from EPA on including Conditions:
 - U2 – Water Management Review
 - U3 – Waste Management Review
- 5 June 2023: Clean up notice 3505526 issued – Variation to change due date to 30 June 2023, following water quality analysis in Dam 1 that identified potential to cause harm to aquatic life
- 30 June 2023: Clean up notice 3505781 issued – Variation to change due to date to 23 July 2023 and conditions for the draining of the irrigation of Dam 1 and 2 to land. Desilting due on 4 August 2023
- 27 July 2023: NCIA requested extension to confirm waste category of sediment from dams, and identify suitable disposal location
- 6 September 2023: Clean up notice 3505901 issued identified:
 - desilting of Dams 1 and 2 had been completed and recommissioning commenced, with sediment to be removed from the Premises by Friday 1 December 2023 to a waste facility that can lawfully accept it. Sediment removal was completed in November 2023 as required, with proof provided to the NSW EPA of this being completed
 - EPA varied the Clean-up notice to no longer prohibit the discharge of stormwater from premises
- 6 June 2024: The NSW EPA formally advised NCIA had complied with the directions of the Clean-up Notice 3506126 and this issue is considered closed

Reportable incident outcomes

Key outcomes, learning and improvements from the pollution event are identified below:

- The requirement for dewatering and desilting of the two impacted detention ponds downstream of the aeration basin which was completed during June and July 2023.
- Environmental assessment (AECOM, May 2023) found the ongoing risk to human and ecological receptors within the downstream environment as a result of the spill to be low.
- NCIA had an alarm system on the aeration basin which had not been maintained in a number of years. This alarm system has since been re-established, with a redundant mechanism, daily checks for function and increase bunding around the pond area.
- NCIA has installed culverts between the ponds in the factory. These culverts include a barrier to contain any elevation in salinity or as a further redundancy to a spill event.
- NCIA produced WMP (Version 2, 24 October 2024) at the request of the NSW EPA. Section 3.4.2 reviews the application of this management plan.
- It is noted that this incident was not reported to DPHI at the time. DPHI has since requested to be included in all correspondence regarding exceedances. This request occurred outside of the IA period during a site inspection.

CAs and OFIs raised in relation to this incident are identified in section 5 of this IA.

3.6. Actual vs predicted environmental impacts

Actual versus predicted environmental impacts has been considered in previous independent environmental audits (IEAs) for the Facility, completed in 2015, 2018, and 2023.

Predicted impacts for the Facility were identified in the NCIA Expansion Environmental Assessment (EA) (AECOM, 2010), with key relevant impacts related to the management of air quality, noise, water, and biodiversity (fluoride impacts on vegetation).

3.6.1. Air quality

3.6.1.1. Ambient air quality

Ambient air monitoring for the Facility includes:

- PM₁₀, with concentrations during the IA period lower than average when compared with the historical data. A decreasing trend in PM₁₀ concentrations is noted, with annual averages at both the northwest and south west monitoring locations below the background annual average PM₁₀ concentration.
- Fluoride (particulate, gaseous and total), with concentrations during the IA period generally consistent with historical results at both the northwest and southeast monitoring locations. The long-term trends for both the 24 hour and weekly fluoride levels at both monitoring sites are relatively stable. 24-hour fluoride and weekly fluoride were compliant with the relevant guidelines and criteria.

Further discussion on ambient air quality monitoring during the IA period is provided at section 4.3.

3.6.1.2. Air emissions

Air emissions monitoring for the Facility includes Fine particulate (PM₁₀), Total Particulate, Total Fluoride (as HF), Sulfuric acid mist (H₂SO₄, as sulfur trioxide [SO₃]), Total Hazardous substances (Metals), Total Oxides of Nitrogen, Cadmium, and Mercury.

Most air emission concentrations during the IA period were lower than those used in the NCIA Expansion EA (AECOM, 2010), excluding:

- Fine particulate, at:
 - Pressing and Drying (PD1) (EPL Point 2) during the 2023/2024 reporting period.
 - Dryer (D1) (EPL 5) during the 2023/2024 reporting period.
- Total Particulate, at:
 - PD1 (EPL Point 2) during the 2023/2024 and 2024/2025 reporting periods.
 - D1 (EPL Point 5) during the 2023/2024 reporting period.
 - Dryer (D2) (EPL Point 6) during the 2023/2024 reporting period.
- Sulfuric acid mist (H₂SO₄, as sulfur trioxide [SO₃]) at Kiln 1 (EPL Point 14) and Kiln 2 (EPL Point 15) during all reporting periods.

However, while measured concentrations were higher than those used in the NCIA Expansion EA (AECOM, 2010), exceedances of EPL limits did not occur during the IA period.

Further discussion on air emissions monitoring during the IA period is provided at section 4.3.

3.6.2. Noise

3.6.2.1. Construction noise

Not triggered during the IA period.

3.6.2.2. Operational noise

Conduct of the IA indicates there were no clearly discernible trends in noise monitoring with historical noise emissions during the IA period. However, monitoring results for the reporting period indicate that noise emissions from NCIA complied with noise criteria, including the sleep disturbance criteria, during the IA period.

Due to the proximity of the Facility to traffic and background noise unrelated to operations, alternative assessment methods in accordance with the Noise Policy for Industry (NPfI) are used where necessary to determine the Facility's specific noise contribution.

These assessments show the Facility's noise contribution to be at or below the applicable limits, with only occasional results within 2 dB of the criterion, which were considered negligible. In addition, no exceedance of greater than 2 dB have been recorded for the day, evening or night monitoring periods since 2020, with calculated noise levels within 2 dB of statutory noise limit considered negligible as per the NPfI.

Further discussion on noise monitoring and management during the IA period is provided at section 4.4.

3.6.3. Water

3.6.3.1. Water use

The NCIA Expansion EA (AECOM, 2010) indicated that water consumption for the Facility during Stages 1 to 4 would be approximately 1,772 kL per week (approximately 92 ML per annum).

Consumption of potable water during the IA period was below this prediction during each reporting year.

Further discussion on water usage during the IA period is provided at section 4.2.

3.6.3.2. Water quality

The NCIA Expansion EA (AECOM, 2010) made no provision of stormwater quality performance measures or indicators. However, conduct of the IA indicates:

- pH: Long term data shows pH levels in pond 4 have an increasing trend toward alkalinity since 2009, with associated exceedances identified during the IA period (section 4.2.1.1).
- Electrical Conductivity (EC): Historical EC values indicate a decreasing trend and are generally within the ANZG guidelines (section 4.2.1.1).

3.6.3.3. Water management

PA 09_0006 and EPL 11956 does not enable discharge of process or washdown water to the stormwater system. However, non-compliance occurred during the IA period due to the spill of waste water to an unnamed tributary of Stony Creek (section 3.5.2.1).

3.6.4. Biodiversity (fluoride impacts on vegetation)

The NCIA Expansion EA (AECOM, 2010) did not specifically discuss fluoride impact on vegetation. Therefore no predictions are available for comparison.

The data supports no statistically significant increase or decrease in the severity of injury symptoms since the start of the monitoring program. Results for the IA period were generally consistent with long-term seasonal patterns and were within the range of historical values for all sampled specimens.

3.6.5. Waste

Based on production levels at the time of the NCIA Expansion EA (AECOM, 2010), approximately 1% of all fired tiles were not eligible for sale (i.e. due to tiles being broken or not passing NCIA's quality assurance process). That figure was used to estimate the total amount of fired waste tile, predicting approximately 2,720 tonnes of fired tiles waste would be generated per annum. During the IA period, the amount of fired tile waste during each reporting period was higher than the predictions made in the NCIA Expansion EA (AECOM, 2010), as well as above NCIA's operation target.

The NCIA Expansion EA (AECOM, 2010) did not predict or specify the amount of green tile waste to be generated by the Facility; however, a 1% target is identified in AEMRs. During each reporting period, green tile waste levels exceeded the 1% target due to more defect product being captured before firing.

4. Environmental performance

This section provides a review of environmental performance for the IA period. The review considers monitoring data, recorded incidents, and compliance outcomes to evaluate performance against relevant environmental requirements.

Where applicable, actual environmental impacts observed during the IA period are compared with the predicted impacts identified in the NCIA expansion Environmental Assessment (EA) (2010). This comparison is used to assess the accuracy of impact predictions and the effectiveness of implemented management and mitigation measures.

4.1. General environmental management

The following general observations were made based on evidence from the site interviews supported by onsite inspection:

- no contamination visible on inspection
- engagement from employees with environmental systems
- workshop is organised, clear layout and laydown areas
- the Facility is generally fully bunded, with internal drains collecting any waste or wastewater, these areas drain into appropriate locations (wastewater storage, or reused for manufacturing)
- systems developed by NCIA to reuse waste tile and product
- following rain, water was identified as pooled and captured onsite, with no pathway to leave the property
- waste sorting locations had recently been emptied, items identified
- stormwater drains were effectively bunded with coir logs
- systematic approach to daily inspections and toolbox talks to communicate and reinforce key issues
- airflow is sufficient within the Facility, due to the nature of tile manufacturing, the environment is generally dusty.

Other observations during conduct of the IA, including the site inspection and interviews, is provided in sections 4.2 to 4.10.

4.1.1. General improvements to the Facility during the IA period

Various continuous improvement projects have been undertaken during the IA period to improve the environmental performance of the site including:

- cameras
- baghouse replacement
- lighting upgrades
- solar electricity
- stormwater system in aeration bay
- groundskeeping – groundskeeper hired
- energy efficiency – LED lights and efficient electric motors

4.1.2. Ongoing environmental improvement

Ongoing environmental improvements at the Facility, as identified in site inspection, interviews and reviewed documents:

- engaging Ineco for WMP and WRRMP review following the request of the NSW EPA
- establishment of improvements to the wastewater storage as identified in section 4.3.1
- NCIA is continually looking to improve reuse of product within their operations, as well as seeking energy efficiency and process optimisation
- ongoing engagement with consultants for environmental input.

4.2. Water management

Review of relevant documentation indicates relevant plans for water during the IA period included:

- OEMP (Version 6, 6 February 2024)
- WMP (Version 2, October, 2024)
- EPA notices regarding incident addressed in sections 3.2, 3.5.2, and 4.2.1 of this IA
- review of the relevant documentation indicates general compliance with the requirements of water management, noting:
 - water usage for the IA period is documented in the AEMRs, indicating water consumption did not exceed the threshold level of 92 ML/year during the IA period
 - site inspection identified that dirty water leaving the mixing house is reused in the tile making process, at approximately 8000 L an hour

Silt fencing has been established as an erosion and sediment control around the ponds, predominantly to the west of Pond 1, in accordance with the WMP. The intention of this is to prevent silt, and soil entering the ponds and maintain a balance of clean and dirty water. The silt fencing inspected had been correctly installed, with coverage of the bottom of the silt fence. However, various areas of silt fencing were identified as damaged and no longer effective. Further, an area of the silt fencing had been removed to permit a ride on mower in the area. Silt fencing around the existing stockpile was also damaged.

4.2.1. Water discharge and monitoring

The channel outlet connected to Pond 4 is the location of potential stormwater discharge from the site. Monitoring is therefore undertaken within Pond 4 in order to ascertain water quality data in the event of such discharge occurring.

The grass swales have been designed to control surface flow velocities from runoff areas to no greater than 2 m/s. Final low flow stormwater discharges from the site occur at the channel outlet, located at the south-eastern corner of the site. The detention basins have been designed with sufficient retention to reduce peak stormwater flows and improve the quality of water ultimately discharged from the site. Discharged water is then connected directly to the existing artificial wetland. No specific conditions are present in EPL11596 that prohibit the discharge of water, to avoid causing pollution and breaches of Section 120, any water discharged from site must be of the same quality, or better, than the quality of the receiving waters

On 12 April 2023, a spill containing wastewater from the ceramics manufacturing process was found to have spilled overland into detention ponds and eventually offsite to an unnamed tributary of Stony Creek. Resulting in EPA Clean up notices identified in section 3.5.2.

Employees demonstrate awareness of the requirements and environmental impact of any over spill from aeration basin. Additional alert systems have been implemented and routinely checked for function. During the site inspection water management controls implemented were identified in working order.

4.2.1.1. Stormwater quality monitoring results:

Pond 4 is inspected on a weekly basis and was noted to be discharging on occasion throughout the IA period. Therefore, monitoring is undertaken within Pond 4 in order to ascertain water quality data in the event of such discharge occurring.

AECOM identifies the following across AEMRs for 2023, 2024 and 2025:

- EC: Historical EC values indicate a decreasing trend and are generally within the ANZG guidelines, indicating stormwater is non-saline.
- pH Values: Long term data shows that pH levels in pond 4 have an increasing trend since 2009, with several periods of increased in alkalinity followed by periods of relative stability. On occasion since 2009 recorded pH values occurred beyond the ANZG pH trigger values, with the upper threshold limit exceeded more often than the lower limit highlighting a trend towards alkalinity.

Discharges and associated exceedances are identified during the period, as identified in AEMRs from 2023, 2024 and 2025:

- 2023: Twelve discharges throughout the reporting period. Pond 4 water parameters were all within relevant criteria on these occasions excluding 23 February 2023 and 8 March 2023 where pH dropped below the relevant guidelines.
- 2024: Nine discharges throughout the reporting period. Pond 4 water parameters were all within relevant criteria on these occasions excluding 2 August 2023, 10 August 2023, 23 January 2024, 31 January 2024, 15 February 2024, 28 February 2024 and 7 March 2024, where pH exceeded the relevant guidelines.
- 2025: Six discharges throughout the reporting period. Pond 4 water parameters were all within relevant criteria on these occasions, excluding the following:
 - 19 and 25 September 2024 where pH exceeded the relevant guidelines (8.86 and 9.02 respectively).
 - 3 April 2025 where EC was below the lower limit of 125 µS/cm.

Discharges and subsequent exceedances following the pollution event have been generally decreasing. Improvements suggested in the WMP should be considered to continue the improvement of surface water discharge. **OF103** has been raised to address surface water at the Facility.

4.3. Air quality

There is no standalone AQMP; however, Section 5 of the OEMP details management measures to minimise impacts to air quality.

Section 5 of the OEMP details that air quality management is achieved by implementing and maintain best-practice air emission controls, including compliant stack design, regular maintenance, and ongoing upgrades to minimise emissions throughout the Facility's life.

One complaint regarding air emissions was lodged during the IA period, from a neighbouring resident who was informed what was emitted out of the stacks was damaging his gutters. A representative from MCC attended the Facility to inspect and review with NCIA management.

Conduct of the IA indicated that NCIA was generally compliant with conditions, noting:

- no offensive odours detected while onsite
- no exceedances due to NCIA operations during the IA period
- no external dust was visible during site inspections
- functional and maintained emissions stacks
- functional dust extractors for spray driers
- hot air-cooling stacks were functional, and have been improved to recycle the hot air within the production process
- the factory is a dusty environment; it was noted the nature of ceramics work ongoing continuous improvements are being implemented to limit dust

4.3.1. Air quality monitoring

Ambient air monitoring undertaken for the project includes:

- For PM₁₀ monitoring, two sampling locations have been established at the Northwest and Southeast to determine concentrations at the NCIA property boundary.
- Two fluoride monitoring units (manual, double filter paper samplers) have been sited at the Northwest and Southeast monitoring locations.
- Meteorological data is recorded at the onsite meteorological station (EPL Point 24) established at the Southeast air monitoring location.

Results of the monitoring during the IA period indicates:

- PM₁₀ monitoring from 2023–2025 shows annual concentrations consistently below criteria, with occasional short-term exceedances driven by regional conditions rather than NCIA activities and no non-compliances attributable to the site.
- Review of AEMRs (2023–2025) shows air pollutant loads were compliant, there was no intermittent exceedances of the EPL fluoride load limit. While an exceedance was identified at the northwest PM₁₀ monitor on August 21 2024, this exceedance was determined by AECOM to be caused by external factors.
- Air quality monitors on site exceeded twice during 2023, cause was deemed to be factors downwind of monitoring site, and not due to NCIA operations
 - The first was an exceedance recorded at the Northwest monitoring location on 20 September 2023. The result (71.0 µg/m³) was deemed to be caused by external factors as outlined in AECOM (2023) NCIA – Environmental Incident Report, October 2023, with wind conditions on this day placing the site downwind of this monitoring location.
 - The second was an exceedance recorded at the Northwest monitoring location on 19 December 2023. The result (60.2 µg/m³) was deemed to be caused by external factors as outlined in AECOM (2024) NCIA – Environmental Incident Report, with wind conditions on this day placing the site downwind of this monitoring location.
- Stack emissions testing identified no exceedances of fluoride discharge limits, or total particulate matter during the IA period. This is an improvement from the previous IA period where exceedances did occur.

4.4. Noise management

Noise management measures include setting maximum noise power limits for plant and equipment, with suppliers required to incorporate appropriate acoustic controls, and minimising low frequency exhaust noise from the loafer by fitting a residential-grade exhaust silencers and indoor-only operation at night. In addition, night-time truck movements are limited and managed to minimise on-site movement and idling to reduce noise impacts.

The site visit identified that the above acoustic controls were currently operational.

Three complaints regarding noise were recorded during the IA period, all in 2025, with two complaints received on the same night (25 September 2025). The investigation identified the rotary valve on the Kiln 1 scrubber as the likely source of the complaint, and maintenance works were subsequently undertaken to address the issue, with no complaints received following the action taken. No subsequent complaints were received following the improvements.

4.4.1. Noise monitoring

Noise monitoring was undertaken by AECOM throughout the reporting period. Noise monitoring is undertaken at Kenvil Close and Wollombi Road through regular assessments that measure LAeq (15-minute) noise levels for day, evening and night periods, and LMax levels at night, in accordance with the NSW Industrial Noise Policy and Project Approval requirements. Results are reported in monthly noise assessment reports and summarised annually. Due to the proximity of the Facility to traffic, and background noise, alternative assessment methods used where necessary to determine the Facility's specific noise contribution.

Review of noise monitoring data from the IA period indicates that while measured LAeq (15-minute) noise levels at nearby receivers frequently exceeded the 35 dB(A) criterion, these exceedances were primarily attributable to traffic and other ambient sources, with NCIA operations generally inaudible or barely audible. Alternative compliance assessments in accordance with the Noise Policy for Industry (NPI) showed the Facility's noise contribution to be at or below the applicable limits, with only occasional results within 2 dB of the criterion, which were considered negligible and did not represent material non-compliance.

4.5. Heritage

Commission or construction of the next stages have not commenced; therefore, an Aboriginal Cultural Education Program has not been developed.

No Aboriginal cultural objects or human remains reported or uncovered onsite during the IA period.

4.6. Traffic and parking

A standalone TMP has not been developed; however, Section 8 of the OEMP outlines a Transport Code of Conduct for the site. The Code applies to all site-related vehicles, requiring compliance with speed limits, designated loading, parking and access arrangements, vehicle maintenance, load covering, road cleanliness, and adherence to site signage, with compliance communicated through inductions and monitoring for any breaches.

The site inspection confirmed general compliance with the code. Noting appropriate parking for light vehicles was available, and the entrance was clearly identified with site speed limit. The layout of the Facility is clear and functional for vehicles to access, loading and unloading areas were logically identified.

Access for trucks was generally hard stand, as such vehicles exiting site were generally clean, with no dirt or mud identified on the vehicles or the road.

Trucks were identified as parked at the site in preparation for loading the next day, or trailers parked onsite that were generally owned by logistics operators. These items were parked in a general area at the end of the access road, that permitted free flowing access and operations.

4.7. Hazard management

Included in the OEMP is an Emergency Plan, which delegates responsibility during emergencies and hazard/emergencies training requirements.

MCC contacted NCIA regarding a complaint received noting overgrown weeds and vegetation along the southwestern boundary. The complaint raised concerns about potential fire hazards. A site inspection was conducted with a Council representative. During the visit, no significant issue or excessive overgrowth was observed that would justify the complaint. NCIA's groundskeeper did remove some of the vegetation and progressively manages growth on the perimeter of the Facility.

It is a requirement for fuel storage tank to be surrounded by a bund with a capacity to contain 110% of the largest tank within the bund. The bund(s) must be designed and installed in accordance with the requirements of the relevant standards. The site inspection confirmed that diesel is stored in a procured self-bunded container, and previous fuel storage is no longer in use.

OFI01 has been raised in relation to fuel storage onsite.

4.8. Waste management

In compliance with Condition U3.1 of the EPL, a WRRMP was developed by the due date, October 2024. The WRRMP suggests that feasibility study needs to be conducted on reusing tiles waste after kiln firing, 'as even a small percentage reuse could significantly reduce waste volumes'.

Waste tracking during the IA period indicated:

- Fired tile waste:
 - 2023 – averaged 9.4% of production
 - 2024 – averaged 12% of production
 - 2025 – averaged 9.8% of production

All fired tile waste exceeded EA predictions during the IA period.

- Green tile waste:
 - 2023 – exceeded 1%
 - 2024 – averaged 2%
 - 2025 – averaged 1.3%

One hundred percent of green tile waste generated during production is reused in the manufacturing process and as such does not enter the overall waste stream leaving the site.

Contracts with Cleanaway, Concrush, and JR Richards are in place to collect general waste and ceramic tile waste with invoices and total provided during this IA.

A spill containing wastewater was identified on 12 April 2023 and is summarised in section 4.2.

Onsite wastewater management systems were reviewed during the site inspection. The storage pond was identified well below capacity, with no risk of overspill. Alarms and redundant systems were identified as functioning, with routine inspections and tests. Improvements to isolate ponds through mechanical measures were further identified as functional mitigation measures.

While waste was generally managed in accordance with relevant management plans and standards, 3 spill kits onsite were identified to be containing rubbish and hadn't been inspected recently. Following the site inspection, 2 new spill kits were purchased and delivered to the site on 9 February 2026.

OFI03 has been raised in relation to waste management at the Facility.

4.9. Visual amenity and lighting impacts

A standalone LMP has not been developed; however, Section 11 of the OEMP outlines an LMP for the site. Section 11 outlines maintenance and gardening requirements for the landscape and other visual requirements such as colours for external buildings in order to minimise visual amenity impacts.

In accordance with condition M4.1 of the EPL, the impact of fluoride on vegetation was monitored by undertaking visual assessments of the condition of local vegetation surrounding the Facility and by foliar sampling of selected flora species for laboratory analysis of fluoride content.

The 2024 lighting compliance report indicates that a single light in question was not compliant; however, this was based on if a dwelling was built on up against our boundary opposite the light in question. It has been determined that this is very unlikely to ever happen. As an immediate response, NCIA tilted the light downward, mitigating any light towards other properties. As determined by the Principal Lighting Designer at AECOM, as of 20 February 2024 the lighting is compliant & meets AS/NZS4282:2019 based on the existing site condition'

External lighting is intermittently reviewed by management to ensure appropriate coverage. No new external lighting since 20th February 2024.

No complaints were received regarding visual amenity or lighting impacts of the site.

5. Corrective actions and opportunities for improvement

5.1. Corrective actions

Table 5.1 summarises the CAs made based on the findings of the IA and observations during the site inspection.

Table 5.1 Corrective actions identified during the IA

CA ID	Consent / licence / lease	Condition	CA requirement
CA01	PA 09_0006	Schedule 2, Condition 11 Schedule 3, Condition 41	Inspect and maintain the controls in the WMP to prevent pollution to receiving waters, which includes an inspection and preventative maintenance plan or register.
	EPL11956	L1.1 O1.1 O2.1	
CA02	PA 09_0006	Schedule 4, Condition 58 Schedule 4, Condition 59	Ensure position descriptions in the OEMP and PIRMP are updated to identify responsibilities for: - identify environmental incident notification requirements, including clarification with AECOM to confirm if they report incidents, or strictly exceedances, on NCIA's behalf. - ensuring inductions / training are completed.
	EPL11956	R2.1 R2.2	
CA03	PA 09_0006	Schedule 4, Condition 64	NCIA to upload 2023 IA, 2025 Noise Assessment and 2023 Emissions Summary to website and periodically review relevant documents on website for compliance.
CA04	EPL11956	U2.1	Ensure the WMP is updated to include costings and timeline for the completion of all identified recommendations / improvements to the Facility (e.g. stormwater catchment system to the roof of the Facility, improved drainage system around the waste and material handling area, removed when appropriate, as suggested in the WMP, etc.).

5.2. Opportunities for improvement

Table 5.2 summarises the OFIs made based on the findings of the IA and observations during the site inspection.

Table 5.2 Opportunities for improvement identified

OFI ID	Consent / licence / lease	Condition	OFI requirement
OFI01	Site Inspection	O1.1	The following should be classified and sent for off-site disposal in accordance with the NSW EPA's Waste Classification Guidelines (2014): - unused former diesel fuel storage - removal of the soil stockpile to the west of the Facility
OFI02	EPL11596	R2.1 R2.2	It is recommended that notification to relevant bodies forms part of annual PIRMP tests.

OFI ID	Consent / licence / lease	Condition	OFI requirement
OFI03	General Comment on OEMP		Ensure the WMP and OEMP is updated as follows: • WMP: ◦ a maintenance program onsite for sediment fencing. ◦ requirement for routine inspections to check spill kits and pollution response equipment. • OEMP: ◦ recognise the development and implementation of the WMP and WRRMP ◦ remove aspects (e.g. ESCP) covered in sections of the OEMP to their relevant stand-alone management plan (i.e. WMP and/or WRRMP) ◦ ensure water monitoring requirements summarised in the OEMP are consistent with the more detailed requirements described in the WMP

Appendix A

DPHI IA team endorsement

Department of Planning, Housing and Infrastructure

NSW Planning ref: MP09_0006-PA-18

Chris Schneider

Site manager

NATIONAL CERAMIC INDUSTRIES AUSTRALIA PTY LIMITED

21/11/2025

Sent via the Major Projects Portal only

Subject: Rutherford Ceramic Tile Facility Expansion – Auditor Endorsement

Dear Mr Schneider

I refer to your request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Environmental Audit (IEA) of the Rutherford Ceramic Tile Facility Expansion, submitted as required by Schedule 4 Condition 61 of DA 09_0006 as modified (the approval) to NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 20 November 2025.

NSW Planning has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed person/s are suitably qualified, experienced, and independent.

In accordance with Schedule 3, Condition 61 of the approval and the NSW Planning *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse the following independent audit team:

- Elliot Holland (Lead Auditor)
- Kurtis Speirs (Lead Auditor - alternate)
- Emma Spires (Assistant Auditor)

The following agencies and stakeholders are to be consulted prior to the commencement of the IEA:

- NSW Department of Planning, Housing and Infrastructure
 - Energy & Resource Assessment branch
 - Compliance branch
- Department of Climate Change, Environment, Energy and Water
- NSW Environmental Protection Authority
- Maitland City Council

Please note:

Department of Planning, Housing and Infrastructure

- This correspondence must be appended to the IEA report.
- The IEA must be prepared, undertaken, and finalised in accordance with the conditions of the approval and the NSW Planning *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.
- The above audit team is approved for the current operational audit only. Additional approval must be sought from the Planning Secretary for future audits of the development.
- Any change to the auditor or auditor roles must be approved by the Planning Secretary prior to the audit commencing.
- The Lead Auditor must attend the site inspection component of the audit.
- Endorsed experts/specialists must attend the site inspection component of the audit unless otherwise agreed by the Planning Secretary.
- The audit period is the day after the site inspection date of the previous audit, to the final site inspection date of the current audit.

Should you wish to discuss the matter further, please contact Toba Olaoye, Senior Compliance Officer on 02 4040 8515 or email compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader - Hunter
Compliance

As nominee of the Planning Secretary

Appendix B

Independent audit declaration forms

Appendix E – Independent Audit Report Declaration Form Template

Independent Audit Report Declaration Form

Project Name Rutherford Ceramic Tile Facility Expansion Project

Consent Number PA 09_0006

Description of Project Manufacturing of ceramic wall and floor tiles

Project Address 175 Racecourse Road, Rutherford

Proponent National Ceramic Industries Australia

Title of Audit PA 09_0006 Independent Audit 2026 - Rutherford Ceramic Tile Facility

Date 30/03/2026

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor	Elliot Holland
Signature	
Qualification	Bachelor of Environmental Science and Management
Company	Onward Consulting Pty Ltd
Company Address	Suite 2, 86 88 Tudor Street, Hamilton, NSW, 2303

Appendix E – Independent Audit Report Declaration Form Template

Independent Audit Report Declaration Form

Project Name Rutherford Ceramic Tile Facility Expansion Project

Consent Number PA 09_0006

Description of Project Manufacturing of ceramic wall and floor tiles

Project Address 175 Racecourse Road, Rutherford

Proponent National Ceramic Industries Australia

Title of Audit PA 09_0006 Independent Audit 2026 - Rutherford Ceramic Tile Facility

Date 30/03/2026

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor Kurtis Speirs

Signature *K. Speirs*

Qualification Bachelor of Environmental Science and Management; Grad Cert. Workplace Health and Safety

Company Onward Consulting Pty Ltd

Company Address Suite 2, 86 88 Tudor Street, Hamilton, NSW, 2303

Appendix E – Independent Audit Report Declaration Form Template

Declaration of Independence - Auditor

Project Name	Rutherford Ceramic Tile Facility Expansion Project
Consent Number	PA 09_0006
Description of Project	Manufacturing of ceramic wall and floor tiles
Project Address	175 Racecourse Road, Rutherford
Proponent	National Ceramic Industries Australia
Title of Audit	PA 09_0006 Independent Audit 2026 - Rutherford Ceramic Tile Facility
Date	30/03/2026

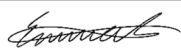
I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor Emma Spires

Signature 

Qualification Bachelor of Environmental Science

Company Onward Consulting Pty Ltd

Company Address Suite 3, 131 Faulkner Street, Armidale, NSW, 2350

Appendix C

Agency consultation

Department of Planning, Housing and Infrastructure

Reference: MP09_0006-PA-21

Chris Schneider

Site manager

NATIONAL CERAMIC INDUSTRIES AUSTRALIA PTY LIMITED

02/03/2026

Sent via the Major Projects Portal only

Subject: Rutherford Ceramic Facility - Expansion - Extension request - 2026 Independent Environmental Audit

Dear Mr Schneider

I refer to your request for an extension of time to lodge the 2026 Independent Environmental Audit (IEA) report, submitted to the NSW Department of Planning, Housing and Infrastructure (the Department) on 2 March 2026.

The Department notes the extension has been requested due to technical issues with the auditor sharing a copy of the final report with NCIA.

In accordance with Condition 5.12 of development consent DA449-12-2002-i, the Planning Secretary has granted an extension of time until Friday 6 March 2026 for the lodgement of the IEA report.

Should you wish to discuss the matter further, please contact me on 02 65753401 or email compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader - Hunter
Compliance

As nominee of the Planning Secretary

Emma Spires

From: Jessica Dickson <jessica.dickson@dcceew.nsw.gov.au> on behalf of CPHR RD Hunter Central Coast Mailbox <huntercentralcoast@environment.nsw.gov.au>
Sent: Tuesday, 9 December 2025 3:32 PM
To: Emma Spires
Subject: RE: NCI-001: DCCEEW CPHR – 2025 IEA: Rutherford Ceramic Tile Facility Expansion Project

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Emma,

Thank you for your request for comment from the NSW Department of Climate Change Energy the Environment and Water (DCCEEW) to support an independent audit by your consultancy.

Our team is processing a high volume of requests relating to major projects including critical state significant infrastructure. Given this we apologise that we do not currently have capacity to provide input to this request.

Kind regards,

Jessica Dickson

A/Coordination and Planning Officer
Hunter Central Coast - Regional Delivery
Conservation Programs, Heritage and Regulation Group
Department of Climate Change, Energy, the Environment and Water

E huntercentralcoast@environment.nsw.gov.au



From: Emma Spires <emma.spires@onward.au>
Sent: Tuesday, 25 November 2025 2:44 PM
To: CPHR RD Hunter Central Coast Mailbox <huntercentralcoast@environment.nsw.gov.au>
Cc: Elliot Holland <elliot.holland@onward.au>; Kurt Speirs <kurt.speirs@onward.au>
Subject: NCI-001: DCCEEW CPHR – 2025 IEA: Rutherford Ceramic Tile Facility Expansion Project

Hi,

National Ceramic Industries Australia Pty Ltd (NCIA) has engaged Onward Consulting Pty Ltd (Onward) to undertake an independent environmental audit (IEA) of the Rutherford Ceramic Tile Facility Expansion Project (i.e. Rutherford Tile Factory), located at 175 Racecourse Road, Rutherford NSW 2320.

The IEA will be prepared in accordance with:

- AS/NZS ISO 19011:2019 Standard - *Guidelines for auditing management systems*
- the *Independent Audit Guideline Post Approval Requirements* (DPIE, 2020)
- Condition 61 of Development Consent 09_0006 (Modification 2) (DA 09_0006)

The focus of the IEA will be:

- conditions of:

- DA 09_0006 (as modified)
- Environment Protection Licence (EPL) 11956
- implementation of approved management plans
- actions and recommendations from the last IEA
- evidence of implementation and effectiveness of the site's environmental management plans as part of the conditions of DA 09_0006 (as modified)
- assessment of environmental risks at the site during a site visit
- recommending measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval

So that we may adequately address any concerns during the audit, I am writing to invite comment from your organisation regarding operations at the Rutherford Tile Factory, as they relate to DA 09_0006 (as modified). I also invite your organisation to comment on the NCIA's performance with other requirements, as you may deem appropriate.

It would be appreciated if your organisation could provide comments regarding the performance of the Rutherford Tile Factory in meeting these obligations under the following headings:

- compliance with requirements
- progress to meeting requirements
- details of incidents of non-compliance
- adequacy of actions taken
- adequacy of the requirements of the approval / licence

The site visit for the audit is currently scheduled to be conducted on Monday 19 January 2026.

It would be appreciated if your organisation could submit written comments by close of business Thursday 15 January 2026.

All correspondence / responses, in relation to the IEA, should be directed to Emma Spires emma.spires@onward.au. Should you have any questions, please do not hesitate to contact Elliot Holland (Principal – Auditing & Compliance, Exemplar Global Lead Auditor – EMS) on 0427 863 567 or elliott.holland@onward.au.

Kind regards,

Emma Spires
 Environmental Consultant
 0437 420 845
emma.spires@onward.au
 187 Kirkwood Street
 Armidale NSW 2350



Our ref: OUT25/15574

Emma Spires
Onward Consulting Pty Ltd
Email: emma.spires@onward.au

2/12/2025

Subject: Rutherford Ceramic Tile Facility Ceramic Project - Independent Environmental Audit
– DA 09_0006

Dear Emma Spires,

I refer to your request seeking advice from the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group on an upcoming audit for the above matter. It is understood this consultation is in accordance with conditions of approval for the project.

NSW DCCEEW Water Group understands that the scope of the audit as outlined under the development consent and the reference guideline, “Independent Audit Post Approval Requirements (2020)” extends to at least the following:

- Identification of compliance requirements and documentation of any non-compliances.
- Assessment of the adequacy and implementation of management plans and sub plans.
- Assessment of compliance against relevant regulatory requirements and legislation.
- Assessment of compliance between actual and predicted impacts in the environmental assessment.
- Reporting requirements for management plans.
- Identification of strengths of the project in environmental management and opportunities for improvement.

NSW DCCEEW Water Group requests that the audit address compliance with the following specific elements of the consent conditions and related legislative requirements in a manner consistent with the above audit scope:

- The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include:
 - Water Management Plans and related sub-plans e.g., Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan.

- Extraction Plans and related sub-plans e.g., Water Management Plan, Subsidence Management Plan.
- The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting.
- Water supply availability is clearly defined for the project.
- Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2025.
- Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.
- Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.
- Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous years, and 3) identifies exceedances and how these are managed/mitigated.

Should you have any further queries in relation to this submission please do not hesitate to contact the Water Assessments team at water.assessments@dcceew.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read "Alistair Drew".

Alistair Drew
A/ Senior Project Officer
Water Assessments
NSW Department of Climate Change, Energy, the Environment and Water

Our ref: OUT25/15574

Emma Spires
Onward Consulting Pty Ltd
Email: emma.spires@onward.au

2/12/2025

Subject: Rutherford Ceramic Tile Facility Ceramic Project - Independent Environmental Audit
– DA 09_0006

Dear Emma Spires,

I refer to your request seeking advice from the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group on an upcoming audit for the above matter. It is understood this consultation is in accordance with conditions of approval for the project.

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- Assessment of compliance against relevant regulatory requirements and legislation.
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- Extraction Plans and related sub-plans e.g., Water Management Plan, Subsidence Management Plan.
- The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting.
- Water supply availability is clearly defined for the project.
- Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2025.
- Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.
- Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.
- Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous years, and 3) identifies exceedances and how these are managed/mitigated.

Should you have any further queries in relation to this submission please do not hesitate to contact the Water Assessments team at water.assessments@dcceew.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read "Alistair Drew".

Alistair Drew
A/ Senior Project Officer
Water Assessments
NSW Department of Climate Change, Energy, the Environment and Water

Elliot Holland

From: Toba Olaoye <toba.olaoeye@dpie.nsw.gov.au>
Sent: Tuesday, December 2, 2025 3:17 PM
To: Emma Spires
Cc: Kurt Speirs; Elliot Holland
Subject: Re: NCI-001: NSW Department of Planning, Housing and Infrastructure – 2025 IEA: Rutherford Ceramic Tile Facility Expansion Project

Hi Emma,

I refer to your email, dated 25 November 2025, requesting consultation as part of the Independent Environmental Audit (IEA) for Rutherford Ceramic Tile Facility Expansion Project in accordance with Condition 61 of the Development Consent 09_0006 (Modification 2) (DA 09_0006).

I wish to let you know that the Department has no specific focus beyond the consent requirement for the Audit.

Thanks.

Regards,

Toba Samuel Olaoye (PhD)
Senior Compliance Officer
Development Assessment & Sustainability

Department of Planning, Housing and Infrastructure

T 02 4040 8515 M 0437 885 559 E toba.olaoeye@dpie.nsw.gov.au

dphi.nsw.gov.au

516 High St

Maitland NSW 2320



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Appendix D

PA 09_0006 (as modified)

Condition	Details	Compliance status	Relevant evidence	Commentary
Schedule 2 – ADMINISTRATIVE CONDITIONS				
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT				
1	The Proponent shall implement all practicable measures to prevent and/or minimise harm to the environment that may result from the construction, operation, maintenance, decommissioning and/or rehabilitation of the project.	Compliant	This IA report Annual Environmental Management Reports (AEMRs) 2023, 2024, 2025 Operation Environmental Management Plan (Version 6, 6 Feb 2024) Site inspection Site interviews	The NCIA Operation Environmental Management Plan document provides the framework for environmental management at Facility. It also generally addresses the requirements in the development consent. Findings and observations made during the IA and site inspection confirmed that NCIA are implementing appropriate measures under the management plans to minimise material harm to the environment.
TERMS OF APPROVAL				
2	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) Statement of Commitments; (c) Submissions Report; and (d) MOD 2; and (e) conditions of this approval. a) If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.	Non-Compliant (Low)	This IA report	NCIA operates the site generally in accordance with appropriate approvals. Non-compliances with conditions of the approval have been identified within this IA report. As such this condition is non-compliant. No specific CA has been identified for this noncompliance.
3	The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, plans, strategies or correspondence that are submitted in accordance with this approval; and (b) the implementation of any actions or measures contained in these reports, plans, strategies or correspondence submitted by the Proponent.	Not triggered	No requirements or correspondence from the Director-General regarding plans/documents and implementation	Discussions with NCIA personnel (Chris) confirmed that no such correspondence was received during the IA period.
LIMITS ON APPROVAL				
4	The Proponent shall not produce more than 25.6 million m ² of ceramic tiles per annum on site. Note: The capacity of the ceramic tile manufacturing facility at the completion of each stage of construction shall be consistent with that described in the EA.	Compliant	AEMRs for 2023, 2024, 2025 Annual Returns for 2023-2024 and 2025	Annual total ceramic tiles production according to AEMRs: • 2023 AEMR: 5.2 million m ² • 2024 AEMR: 5.13 million m ² • 2025 AEMR: 3.99 million m ² During the IA period, no annual tile production exceeded the limit in this condition.
5	The Proponent shall ensure that an increase or progression to a Stage represents an increase in production of no more than an additional 3.2 million m ² of tiles.	Not triggered	AEMRs for 2023, 2024, 2025 Annual Returns for 2023-2024 and -2025	There have been no increases or progress in a stage during the IA period.
SURRENDER OF EXISTING DEVELOPMENT CONSENT RIGHTS				
6	Within 12 months of this approval, or as otherwise agreed by the Secretary, the Proponent shall surrender all existing development consents and project approvals for the site, apart from this project approval, in accordance with Sections 75YA and 104A of the EP&A Act. Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the AP&A Act. Surrender of a consent or approval should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.	Compliant	N/A	This requirement occurred outside the IA period.
STRUCTURAL ADEQUACY				
7	The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. Notes: • Under Part 4A of the AP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the AP&A Regulation sets out the requirements for the certification of the Project.	Compliant	AEMRs for 2023, 2024, 2025 Site Interviews No new construction during the period	No new buildings were constructed during the IA period
STATUTORY REQUIREMENTS				
8	The Proponent shall ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.	Compliant	Development Approval MP 09_0006 EPL 11956 (September 2024) Registration Certificate 6699 under the National Industrial Chemicals Notification and Assessment Scheme	The site holds Development Approval MP 09_0006; EPL 11956; and Registration Certificate 6699 under the National Industrial Chemicals Notification and Assessment Scheme – NICNAS.

Condition	Details	Compliance status	Relevant evidence	Commentary
PROTECTION OF PUBLIC INFRASTRUCTURE				
9	The Proponent shall: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.	Not Triggered	Site Interview AEMRs for 2023 and 2024	No public infrastructure damaged or relocated by the project during the IA period
UTILITIES				
10	Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from service providers, including Hunter Water Corporation, Integral Energy, and Council.	Not Triggered	Site Interview AEMRs for 2023, 2024, 2025	No utility works were undertaken during the period
OPERATION OF PLANT AND EQUIPMENT				
11	The Proponent shall ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Non-compliant (Low)	Site inspection and interviews Lime scrubber and dust collector maintenance log (2024-2026) AEMRs for 2023, 2024, 2025 2025 Noise Assessment Reports EPA Clean-up Notices Daily site check samples	EPA Clean-up notices identify a warning alarm system failure was a contributing factor to the pollution incident dated 12 April 2023. The alarm system had not been inspected or maintained in an unknown number of years. Prior to the site inspection, the alarm system had been reinstated and included in daily site checks for team leaders. The alarm is identified in the WMP. The lime scrubber and dust collector maintenance log indicates repairs completed from 2024 to 2026 to ensure the lime scrubber and dust collector are in efficient conditions. The AEMRs indicated that: plant equipment operated at NCIA is generally maintained regularly and in accordance with manufacturers' specifications to ensure that water use, reuse and recycling efficiencies are optimised.' The AEMRs did not mention any issues around noisy plant/equipment, with general traffic being the most dominant noise source. The rotary valve on the Kiln 1 scrubber was identified as the likely source of the noise complaint. Subsequent maintenance works were completed to address the issue. The facility has a 4-week shut down annually for site maintenance purposes. Site inspections indicated that all plant was being operated in a proper and efficient manner. No further maintenance issues were identified. CA01 has been raised addressing this condition. CA01: <i>Ensure the WMP is updated to include inspect and maintain schedule and associated register for controls for the purpose of preventing pollution to receiving waters, which includes an inspection and preventative maintenance plan or register.</i>
STAGED SUBMISSION OF PLANS, STRATEGIES AND PROGRAMS				
12	With the written approval of the Secretary, the Proponent may submit any management plan, strategy or monitoring program required by this approval on a progressive basis.	Compliant	No plans submitted to the department during the IA period. AEMRs 2023, 2024 and 2025 submitted during the IA period.	No construction of subsequent project stages occurred during the IA period, as such has not triggered the development submission of management plans.
DISPUTE RESOLUTION				
13	In the event that a dispute arises between the Proponent and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this approval, the matter shall be referred by either party to the Secretary, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the Act.	Not triggered	No disputes documented during the IA period	Discussions with NCIA personnel (Chris) confirmed that no such disputes occurred during the IA period.
SECTION 94 CONTRIBUTIONS				
14	During operations, the Proponent shall pay Council an annual contribution of 4.1 cents per kilometre per tonne of product trucked from the site along Racecourse Road to its intersection with the New England Highway (1.7 km). The contribution amount shall be adjusted annually from the date of this approval to account for the effects of inflation (Consumer Price Index).	Compliant	Site interviews	Management confirms this fee was paid, in accordance with previous years.
Schedule 3 – SPECIFIC ENVIRONMENTAL CONDITIONS				
AIR QUALITY				
DUST LIMITS				

Condition	Details	Compliance status	Relevant evidence	Commentary															
15	The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 1 or 2 at any residence on privately-owned land. <i>Table 1: Long term impact assessment criteria for particulate matter</i> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>90 µg/m³</td></tr><tr><td>Particulate matter < 10 µm (PM₁₀)</td><td>Annual</td><td>30 µg/m³</td></tr></table> <i>Table 2: Short term impact assessment criteria for particulate matter</i> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr><tr><td>Particulate matter < 10 µm (PM₁₀)</td><td>24 hour</td><td>50 µg/m³</td></tr></table>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³	Compliant	AEMRs 2023, 2024, 2025 (TSP is not mentioned in AEMRs) 2025 Ambient Monitoring Monthly Reports Emissions Testing Reports 2023, 2024, 2025 Emissions Summary 2023, 2024, 2025	NCIA complete 24-hour PM₁₀ monitoring at two sampling locations at the Northwest and Southeast to determine concentrations at the NCIA property boundary (with both locations identified as EPL Point 22). AEMRs identify exceedances of the criteria for particulate matter emissions, the investigations into all exceedances revealed they were not directly linked to NCIA activities. The AEMRs provide a summary of the results of this monitoring as outlined below: <u>2023 AEMR:</u> The North West and South East locations returned an average annual concentration of 17.2 µg/m3 and 14.5 µg/m3 respectively, which are below the 30 µg/m3 annual criteria. These annual averages remained below this criterion for the duration of the 12-month monitoring period. One exceedance of the PM10 24-hour maximum concentration occurred at the North West monitoring location throughout the 12-month monitoring period. This exceedance (51.9 µg/m3) was determined to not be as a result of emissions from NCIA, with elevated regional PM10 levels and meteorological conditions putting the North West Monitoring Location upwind of the NCIA site. <u>2024 AEMR:</u> The Northwest and Southeast locations returned an average annual concentration of 20.8 µg/m3 and 15.2 µg/m3 respectively, which are below the 30 µg/m3 annual criteria. These annual averages remained below this criterion for the duration of this 12-month period. Two exceedances of the PM10 24-hour maximum concentration occurred at the Northwest monitoring location throughout the 12-month monitoring period: 71.0 µg/m3 (20 September 2023) and 60.2 µg/m3 (19 December 2023). Following analysis of meteorological conditions at the time of these exceedances, neither were determined to be caused by NCIA. In both cases the site was not upwind of the monitoring locations during the respective sampling periods meaning the site did not contribute to the exceedance. Any elevated PM10 monitoring results were promptly notified to DPHI upon receipt of the validated laboratory results. <u>2025 AEMR:</u> The Northwest and Southeast locations returned an average annual concentration of 18.6 µg/m3 and 14.2 µg/m3 respectively, which are below the 30 µg/m3 annual criteria. These annual averages remained below this criterion for the duration of this 12-month period. One exceedance of the PM10 24-hour maximum concentration occurred at the Northwest monitoring location throughout the 12-month monitoring period, 54.9 µg/m3 on 21 August 202. Following analysis of meteorological data, this exceedance was determined to not be caused by NCIA as the site was not upwind of the monitoring location on 21 August.
Pollutant	Averaging period	Criterion																	
Total suspended particulate (TSP) matter	Annual	90 µg/m ³																	
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³																	
Pollutant	Averaging period	Criterion																	
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³																	
LOAD LIMITS																			
16	Unless the OEH specifies otherwise, the Proponent shall ensure that the annual total load discharged from the site does not exceed the load limit specified for that pollutant in Table 3. <i>Table 3: Maximum Allowable Load Limits (Air)</i> <table><tr><th>Assessable Pollutant</th><th>Maximum Allowable Load Limit (kg/yr)</th></tr><tr><td>Fine Particulates</td><td>74,210</td></tr><tr><td>Coarse Particulates</td><td>32,073</td></tr><tr><td>Fluoride</td><td>3,701</td></tr><tr><td>Sulfur oxides (as sulphuric acid mist and sulfur trioxide (as SO₃))</td><td>73,657</td></tr><tr><td>Nitrogen oxides</td><td>110,000</td></tr></table> <i>Note: The total load of the assessable pollutant shall be calculated in accordance with the relevant load calculation protocol, as defined by OEH guidelines.</i>	Assessable Pollutant	Maximum Allowable Load Limit (kg/yr)	Fine Particulates	74,210	Coarse Particulates	32,073	Fluoride	3,701	Sulfur oxides (as sulphuric acid mist and sulfur trioxide (as SO ₃))	73,657	Nitrogen oxides	110,000	Compliant	AEMRs for 2023, 2024, 2025	<u>2025 AEMR Management Response:</u> NCIA were compliant with all Project Approval load limits for the 2022 reporting period, with 2022 being the latest completed reporting period covered by the IA. A new fluoride scrubber was commissioned in December 2021 which has assisted with compliance. NCIA expect ongoing compliance with Project Approval load limits. Subsequent to the IA period NCIA were compliant with all Project Approval load and concentration limits for the 2023, 2024 and 2025 reporting periods. <u>2026 IA Findings:</u> The AEMRs include a review of annual total load discharge data, the AEMRs in the IA period revealed: During the IA period fine particulates, coarse particulates, sulfur oxides, nitrogen oxides and fluoride discharged to air were all within the pollutant load limits.			
Assessable Pollutant	Maximum Allowable Load Limit (kg/yr)																		
Fine Particulates	74,210																		
Coarse Particulates	32,073																		
Fluoride	3,701																		
Sulfur oxides (as sulphuric acid mist and sulfur trioxide (as SO ₃))	73,657																		
Nitrogen oxides	110,000																		
DUST MANAGEMENT																			
17	The Proponent shall: (a) design, construct, operate and maintain the project in a manner that minimizes or prevents the emission of dust from the site;	Compliant	Site inspection and interviews Operation Environmental Management Plan (Version 6, 6 Feb 2024)	Section five of the OEMP includes an OEMP in which air emission sources (including dust), monitoring requirements, emission minimisation and reduction measures are outlined.															

Condition	Details	Compliance status	Relevant evidence	Commentary
	(b) take all practicable measures to ensure that all vehicles entering or leaving the site and carrying a load that may generate dust are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times; (c) maintain all trafficable areas and vehicle maneuvering areas on the site in a condition that will minimize the generation or emission of windblown or traffic generated dust from the site; and (d) ensure each kiln is fitted with a dust collection system to capture emissions, (e) to the satisfaction of the Secretary.		AEMRs for 2023, 2024, 2025	Section 8 of the OEMP also includes a transport code of conduct. This section outlines that 'All loads of bulk granular material delivered to site are to be covered in accordance with the Load Restraint Guide (National Heavy Vehicle Regulator (2018)).' Site inspection to identify general compliance with the following aspects of operations: • dust during tile waste loading process • warehouse doors closed • baghouse pipework and equipment used to extract and manage dust within the warehouse • roads sealed and clean.
DISCHARGE LIMITS AND STACK DISCHARGE DESIGN REQUIREMENTS				
18	Unless otherwise specified by the Secretary, the Proponent shall: (a) comply with all monitoring (points) requirements and pollutant discharge concentrations as specified by the OEH in the EPL; and (b) ensure that the stack discharge design requirements comply with the EPL.	Compliant	Site inspection and interviews No correspondences from the Secretary and/or DPE AEMRs for 2023, 2024, 2025 Emissions Testing Reports 2023, 2024, 2025	2026 IA Found: The EPL does not prescribe specific stack design requirements, noting only that monitoring must commence within 90 days of the plant operating under design load conditions. NCIA has undertaken ongoing upgrades and maintenance of the kiln baghouse. During the site inspection, the kiln baghouse was observed to be operational. The inspection confirmed that the lime-filled bag replacement process is manual; however, it was considered as fit for purpose.
AIR QUALITY MANAGEMENT PLAN				
19	The Proponent shall prepare and implement an Air Quality Management Plan for the project to the satisfaction of the Secretary. The Plan must: (a) be prepared by suitably qualified expert and submitted to the Secretary for approval prior to commencement of construction of any subsequent stage of the project; (b) identify all major sources of particulate and gaseous air pollutants that may be emitted as a result of the operation of the project, including identification of the major components and quantities of these emissions; (c) include monitoring of particulate and gaseous emissions from the project, in accordance with any requirements of the EPL; (d) include continuous dust-leak detection monitoring of fabric filter discharges; (e) include monitoring of the impacts of fluoride on vegetation in accordance with the EPL with sampling/observations designed to assess impacts on sensitive ornamental plants in adjacent residential areas; (f) include procedures for the minimisation of particulate and gaseous emissions from the project, and the reduction of these emissions over time, where appropriate; (g) include protocols for regular maintenance of process equipment to minimize the potential for dust emissions; (h) detail procedures to be undertaken if any non-compliance is detected; (i) include mechanisms to consider cumulative air quality impacts in the context of development in the Rutherford industrial area; and (j) outline how data from the relocated meteorological station site would be used as part of the validation modelling required under condition 20.	Compliant	Operation Environmental Management Plan (Version 6, 6 Feb 2024) (Section 5) Vegetation monitoring report AEMR 2023, 2024, 2025	No additional stages constructed or commenced during the IA period, as such, the requirement for a standalone AQMP has not been triggered. Section 5 of the OEMP comprises of an AQMP and the OEMP was last updated in February 2024. Section 5 of the OEMP generally addresses the requirements of this condition as follows: • Requirement (a): Not Triggered • Requirement (b): addressed in Section 5.1 • Requirement (c): addressed in Section 5.2 • Requirement (d): Section 4.3 of the OEMP notes that this would be implemented "prior to commencement of construction of any subsequent stage". • Requirement (e): addressed in Section 5.2 • Requirement (f): addressed in Section 5.3 • Requirement (g): addressed in Section 5.4 • Requirement (h): addressed in Section 5.5 • Requirement (i): addressed in Section 5.6 • Requirement (j): Not Triggered
PERFORMANCE VALIDATION MONITORING				
20	The Proponent shall prepare and implement Air Emissions Validation Reports to the satisfaction of the Secretary and OEH. These reports must: (a) be prepared by a suitably qualified expert whose appointment has been endorsed by the Secretary; (b) be undertaken within 90 days of the commencement of operation of each stage (stages 1 to 8) of the project and during a period in which the facility is operating under design loads and normal operating conditions; (c) be conducted in accordance with the documents "Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales" and "Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales" and (d) include: – a program for point source emission testing on each stack as described in the site EPL; – the results of the stack testing and a validation with the project's air emission limits;	Not triggered	No Air Emissions Validation Reports prepared during the IA period (within 90 days of any additional stages commencing)	Section 9.1 of the 2015 IA outlined the validation reports submitted for Stages 1 and 2. No additional stages were constructed or commenced during the IA period therefore this condition has not been triggered.

Condition	Details	Compliance status	Relevant evidence	Commentary
	- a validation against the predictions made in the EA using both simulated and actual site meteorological data collected in accordance with the EPL and as modified by Condition 19j) above; - details of any exceedances or non-compliance with the limits in the EPL and approval; and - measures to mitigate the exceedance or non-compliance. Should any Air Emissions Validation Reports identify an exceedance or non-compliance, then the Proponent shall implement additional mitigation or attenuation to the satisfaction of the OEH and Secretary within the timeframe specified by the Secretary and prior to any progression to the next stage.			
PERFORMANCE GUARANTEES				
21	Prior to the commencement of construction of each stage of the project, the Proponent shall provide manufacturer's performance guarantees for all plant and equipment to demonstrate that all sources of air pollutants will comply with the emission concentration limits specified in the EPL, to the satisfaction of the OEH.	Not triggered		No additional stages were constructed or commenced during the IA period therefore this condition has not been triggered.
ODOUR				
22	The Proponent shall not cause or permit the emission of any offensive odour from the site. Note: Section 129 of the POEO Act provides that the Proponent shall not cause or permit the emission of any offensive odour from the site, but provides a defense if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimizing odour.	Compliant	Site inspection and interviews AEMRs for 2023, 2024, 2025 Sample Daily Factory Condition Check Complaints register	There is no reference to odour in the AEMRs for the IA period and no complaints regarding odour received during the IA period. No offensive odours were identified during site inspection
GREENHOUSE GAS EMISSIONS				
23	The proponent shall implement all reasonable and feasible measures to minimise: (a) energy use on site; and (b) the scope 1 and 2 greenhouse gas emissions produced on site, (c) to the satisfaction of the Secretary.	Compliant	Site inspection and interviews AEMRs for 2023, 2024, 2025	Environmental management actions outlined in the AEMRs include: - NCIA commissioned a 1 MW roof mounted solar system in 2019. The installation of a further 2 MW was completed June 2024. The 3 MW system is expected to reduce electricity consumption by up to an estimated 20% and also provide electricity back to the grid over a 5-week period in summer when the factory is stopped for annual maintenance. - LED lights and energy efficient electric motors are being used to replace older redundant equipment. Working from home is encouraged at NCIA where work is practicable. - Diesel fuel is bought to site for storage in a single unit, used on an 'as needs' basis. - Waste heat from hot air cooler 1 and 2 (EPL 18 and EPL 19) is being recovered and reused within the production process, reducing the requirement for energy from natural gas. Site inspection indicated the implementation of the above improvements and mitigations from the AEMRs.
24	The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Secretary. The plan shall: (a) be submitted to the Secretary for approval within 12 months of this approval; and (b) be prepared in accordance with the Guidelines for Energy Savings Action Plan (DEUS 2005).	Not Triggered	Operation Environmental Management Plan (Version 6, 6 Feb 2024)	The OEMP states that preparation of an ESAP was initiated; however, following consultation with the Department, involvement with the Energy Efficiency Opportunities program was recommended and pursued as an appropriate alternative. As agreed with the Department, NCIA opted out of the program due to the low level of emissions from the facility. The EEO program is now closed. The 2015 IA indicates that NCIA were deregistered from the Commonwealth Energy Efficiency Opportunities Act 2006 in 2013 as NCIA did not trigger the energy use requirements under the Act.
NOISE				
CONSTRUCTION AND OPERATING HOURS				
25	The Proponent shall comply with the hours of operation in Table 4, unless otherwise agreed by the Secretary. Construction activities (with the exception of earthworks and building construction activities) are permitted to occur outside of these hours provided it meets the operational noise criteria as defined in Table 6.	Compliant	Site inspection and interviews OEMP	NCIA operates 24/7, notwithstanding a general 4-weekshutdown in December/ January for maintenance and holidays. Dispatch trucks commence at 7am. The NSW EPA license has the same hours of operation and construction as stipulated for this condition. A copy of the NSW EPA License is included as an appendix to the OEMP.

Condition	Details	Compliance status	Relevant evidence	Commentary																			
	Table 4: Hours of Operation <table><tr><th>Activity</th><th>Day</th><th>Hours</th></tr><tr><td rowspan="2">Construction</td><td>Monday - Saturday</td><td>7 am – 5 pm</td></tr><tr><td>Sunday & Public Holidays</td><td>Nil</td></tr><tr><td>Operation</td><td>Monday - Sunday</td><td>No Restriction</td></tr><tr><td>Truck deliveries to the site and dispatch from the site</td><td>Monday - Sunday</td><td>7 am – 10 pm</td></tr></table>	Activity	Day	Hours	Construction	Monday - Saturday	7 am – 5 pm	Sunday & Public Holidays	Nil	Operation	Monday - Sunday	No Restriction	Truck deliveries to the site and dispatch from the site	Monday - Sunday	7 am – 10 pm			Site interviews/inspections to confirm that the appropriate measures/rules are in place to ensure that these hours of operation are complied with.					
Activity	Day	Hours																					
Construction	Monday - Saturday	7 am – 5 pm																					
	Sunday & Public Holidays	Nil																					
Operation	Monday - Sunday	No Restriction																					
Truck deliveries to the site and dispatch from the site	Monday - Sunday	7 am – 10 pm																					
NOISE LIMITS																							
26	The Proponent shall ensure that noise generated from the project does not exceed the noise limits presented in Table 5. Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. Table 5: Project Noise Limits, dB(A) <table><tr><th rowspan="2">Location</th><th>Day</th><th>Evening</th><th colspan="2">Night</th></tr><tr><th>L_{Aeq} (15 minute)</th><th>L_{Aeq} (15 minute)</th><th>L_{Aeq} (15 minute)</th><th>L_{Amax}</th></tr><tr><td>Kenvil Close</td><td>35</td><td>35</td><td>35</td><td>45</td></tr><tr><td>Wollombi Road</td><td>35</td><td>35</td><td>35</td><td>45</td></tr></table>	Location	Day	Evening	Night		L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Amax}	Kenvil Close	35	35	35	45	Wollombi Road	35	35	35	45	Compliant	AEMRs for 2023, 2024, 2025 Noise Compliance Monitoring Report s	The AEMRs include a review of noise monitoring data collected during the monthly noise assessment reports which in alignment with this condition, the AEMRs in the IA period revealed: 2023 AEMR: The results show that the measured LAeq(15 min) noise levels at both the Kenvil Place and Wollombi Rd monitoring locations are above the 35 dB(A) Project Approval limit for each of the three time periods. In most cases traffic was noted to be the dominant noise source with the site noted to be inaudible during the day, potentially audible in the evening and barely audible at night. In order to determine the noise contribution from the facility alone at the receiver locations, an alternative method of determining compliance, in accordance with the NPfl was considered appropriate. These alternative calculations revealed that all predicted results are either below or equivalent to the 35dB Project Approval limit at both receiver locations. 2024 AEMR: The results show that the measured LAeq(15 min) noise levels at both the Kenvil Place and Wollombi Rd monitoring locations are above the 35 dB(A) Project Approval limit for each of the three time periods. In most cases traffic was noted to be the dominant noise source with the site noted to be inaudible during the day, potentially audible in the evening and barely audible at night. In order to determine the noise contribution from the facility alone at the receiver locations, an alternative method of determining compliance, in accordance with the NPfl was considered appropriate. These alternative calculations revealed that with the exception of Kenvil Close Evening, all predicted results are either below or equivalent to the 35 dB Project Approval limit at both receiver locations. A result within 2 dB of the criteria was calculated at the Kenvil Place receiver for the evening period with a 2 dB exceedance considered negligible by the NPfl. 2025 AEMR: The results show that the measured LAeq(15 min) noise levels at both the Kenvil Place and Wollombi Rd monitoring locations are above the 35 dB(A) Project Approval limit for each of the three time periods. In most cases traffic was noted to be the dominant noise source with the site noted to be inaudible during the day, potentially audible in the evening and barely audible at night. In order to determine the noise contribution from the facility alone at the receiver locations, an alternative method of determining compliance, in accordance with the NPfl was considered appropriate. These alternative calculations revealed that all predicted results are either below or equivalent to the 35dB Project Approval limit at both receiver locations. 2025 Noise Compliance Monitoring Report: The 2025 report concludes that noise from the premises is compliant.
Location	Day		Evening	Night																			
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Amax}																			
Kenvil Close	35	35	35	45																			
Wollombi Road	35	35	35	45																			
NOISE MANAGEMENT																							
27	The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary. The Plan must:	Complaint	Section 7 of the Operation Environmental Management Plan (Version 6, 6 February 2024)	No construction of any subsequent stage has commenced. As there have been no additional stages constructed or commenced during the IA period, a standalone NMP has not been developed.																			

Condition	Details	Compliance status	Relevant evidence	Commentary
	(a) be prepared by a suitably qualified acoustical expert and submitted to the Secretary for approval prior to commencement of construction of any subsequent stage of the project; (b) identify all specific activities that will be carried out during construction and operation and associated noise sources; (c) identify all potential affected sensitive receivers; (d) specify noise criteria (reflect the noise limits presented in Table 5); (e) describe management methods and procedures and specific noise mitigation treatments that will be implemented to control noise emissions; (f) detail an operational noise monitoring program to be prepared by a qualified acoustic consultant and implemented to monitor the effects of the project on the acoustic environment during operation, including road traffic noise, with details of procedures to be undertaken if any non-compliance is detected; (g) detail procedures to receive, record and respond to complaints; and (h) Describe the contingencies that would be implemented, and the timing for implementation, should non-compliances be detected.			A NMP will be prepared and submitted for approval in accordance with this condition, prior to commencement of construction of subsequent Stages of the project. Section 7 of the OEMP comprises of Noise Management and Monitoring plan and the OEMP was last updated in February 2024. Section 7 of the OEMP addresses the requirements of this condition as follows: • Requirement (a): No additional stages were constructed or commenced during the IA period therefore this condition has not been triggered. • Requirement (b): No additional stages were constructed or commenced during the IA period therefore this condition has not been triggered. • Requirement (c): No additional stages were constructed or commenced during the IA period therefore this condition has not been triggered. • Requirement (d): addressed in Table 6 • Requirement (e): addressed in Section 7.3 • Requirement (f): addressed in Section 7.2 • Requirement (g): No additional stages were constructed or commenced during the IA period therefore this condition has not been triggered. • Requirement (h): No additional stages were constructed or commenced during the IA period therefore this condition has not been triggered. Site inspection identified general compliance with these conditions.
VALIDATION				
28	The Proponent shall prepare and implement Noise Validation Reports to the satisfaction of the Secretary. These reports must: (a) be prepared by a suitably qualified acoustic expert whose appointment has been endorsed by the Secretary; (b) be undertaken within 90 days of the commencement of operation of each subsequent stage (stages 1 to 8) of the project and during a period in which the facility is operating under normal operating conditions; (c) be conducted in accordance with the NSW Industrial Noise Policy; and (d) include: – a validation against the predictions made in the EA including the proposed noise attenuation; – details of any exceedances or non-compliance with the noise limits in this approval; and – measures to mitigate the exceedance or non-compliance. Should any Noise Validation Reports identify an exceedance or non-compliance, then the Proponent shall implement additional mitigation or attenuation to the satisfaction of the OEH and Secretary within the timeframe specified by the Secretary and prior to any progression to the next stage.	Not triggered	N/A	The 2015 IER outlined the validation reports submitted for Stage 2. No additional stages of the project have been constructed during the IA period requiring revalidation of operational noise from NCIA.
DESIGN				
ARCHITECTURAL DESIGN				
29	The Proponent shall construct the facility generally in accordance with the elevations shown in Appendix 4 including additional noise attenuation of building sections. Building design shall incorporate the following noise mitigation features: (a) increased thickness of metal sheeting to 0.48 BMT on the east façade, south façade, and roof (previous assumption in noise model was 0.3 BMT) with 55mm insulation fixed to underside of roof; (b) existing dust extractor to be enclosed; (c) alsynite roofing on the proposed main building located only on the west section of the roof. This is assuming the roof is pitched and therefore the alsynite paneling is angled away from Heritage Green receivers to the east; (d) no alsynite panels on the east and south walls of the proposed Mill & Spray Dryer section of the building; (e) the baghouses for the proposed kiln stacks shall be located inside the factory building; and (f) The dust extraction unit, located on the southern end of the eastern wall of the factory building, shall be enclosed to reduce noise emission to the east and south.	Not Triggered	Site inspection and interviews	No construction occurred during the IA period, nor was any planning identified by site management.
VISUAL				
LANDSCAPE DESIGN				

Condition	Details	Compliance status	Relevant evidence	Commentary
30	The Proponent shall prepare and implement a Landscape Management Plan for the project to the satisfaction of the Secretary. The plan shall; (a) be submitted to the Secretary for approval prior to commencement of construction of any subsequent stage of the project; (b) be prepared in consultation with Council; (c) detail existing and proposed landscaping on the site; (d) maximise the use of flora species endemic to the locating in landscaping the site; (e) incorporate weed management for the site; and (f) include a schedule for implementation and maintenance.	Not Triggered	Section 11 of the Operation Environmental Management Plan (Version 6, 6 Feb 2024) Site inspection	No construction of any subsequent stage has commenced. As there have been no additional stages constructed or commenced during the IA period, a standalone Landscape Management Plan has not been developed. Section 11 of the OEMP comprises of a Landscape Management Plan and the OEMP was last updated in February 2024.. Section 11 of the OEMP addresses the requirements of this condition as follows: • Requirement (a): No additional stages were constructed or commenced during the IA period therefore this condition has not been triggered. • Requirement (b): No additional stages were constructed or commenced during the IA period therefore this condition has not been triggered. • Requirement (c): addressed in Section 11.2 • Requirement (d): addressed in Table 7 • Requirement (e): addressed in Section 11.3 • Requirement (f): addressed in Section 11.3 Site inspection identified consistency with the OEMP. In addition, NCIA have employed a groundskeeper to maintain landscape design.
31	The Proponent shall complete the landscaping along the eastern site boundary within 6 months following the construction of any stage of the new factory building (see figure in Appendix 2).	Not triggered	N/A	The next stage has not been commissioned or constructed this condition has not been triggered.
LIGHTING				
32	The Proponent shall ensure that the lighting associated with the project: (a) complies with the latest version of Australian Standard AS 4282(INT) – Control of Obtrusive Effects of Outdoor Lighting; (b) is adequate for night time security purposes; and (c) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.	Compliant	Site inspection and interviews Complaints register Lighting Assessment email Obtrusive Light – Compliance Report (13 February 2024)	No complaints regarding lighting onsite received during the IA period. Correspondence from AECOM dated 20th February 2024 identified the lighting is compliant & meets 'AS/NZS4282:2019 based on the existing site condition'. The 2024 obtrusive light compliance report identified a failed test result at ObtrusiveLight_NW_III_Seg1 with a reading of 5.2 Lux , exceeding the limit of 2 Lux. This light in question was not compliant; however, this was based on if a dwelling was built on up against the boundary opposite the light in question. This is currently a workshop type facility, and this is unlikely to occur. External lights were adjusted following the report, to further mitigate any potential light pollution. There have been no material changes or new external lighting since 20th February 2024. Email from AECOM dated 28 October 2025 stating from 20 Feb 2024 the lighting is compliant after the following activities: • Added Roller shutter • Changed building stage and changed pavement • Amended external pavement NCIA includes lighting inspections on the daily rounds of the afternoon employees to ensure no changes have occurred since adjusting the lights.
SIGNAGE				
33	The Proponent shall not erect any signage and advertising media at the site, with the exception of internal site signage for traffic management and safety purposes. Any proposed signage will be subject to further application and approval by the Secretary.	Compliant	Site inspection No signage applications submitted	Discussions with NCIA personnel confirmed that no signage applications were submitted during the IA period.
FENCING				
34	The Proponent shall erect security fencing around the perimeter of the site with lockable gates at each entry point.	Compliant	Site inspection	Site inspection identified security fencing is located around the perimeter of the site and lockable gates are located at the entrance to the site.
TRAFFIC AND ACCESS				
OVERSIZED TRANSPORTATION				
35	The Proponent shall obtain a permit for an oversized and over mass load from the RMS, if transportation of oversized or over mass materials or machinery is required for the project.	Compliant	No oversized transportation approvals required during the IA period	Discussions with NCIA personnel confirmed that no oversized transportation approvals were required during the IA period.
ACCESS				

Condition	Details	Compliance status	Relevant evidence	Commentary
36	The Proponent shall: (a) ensure that all vehicles entering and exiting the site do so in a forward direction; and (b) install a median strip or similar device on the driveway to ensure that internal two-way traffic is separated.	Compliant	Site inspection Site layout	Site inspection verified no vehicles entering or exiting the site in a backwards direction and that a median strip has been maintained. The site layout is conducive to clear flowing traffic, with raw material delivered to the north and completed products delivered removed from the south.
VEHICLE QUEUING AND PARKING				
37	The Proponent shall ensure that: (a) a minimum of 70 parking spaces are provided on site; (b) all parking generated by the project is accommodated on site, and that no vehicles associated with the project are parked on the public road system at any stage; (c) the project does not result in any vehicles queuing on the public road network; and (d) provide direction line marking and signage on site to direct heavy vehicles, staff and visitors to the relevant parking areas, loading docks and exits to ensure safe traffic flow.	Compliant	Site inspection Section 11 of the Operation Environmental Management Plan (Version 6, 6 Feb 2024)	The site currently accommodates parking for 40 employees and visitors, including access to disability parking. The 70 parking spaces is considered relevant for the expansion of the facility in accordance with AS2890 Condition 4.26 of the relinquished development consent identified 42 car parks and 2 disabled car parks are required. The facility has been built to these requirements.
38	The Proponent shall ensure that the parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking area are in accordance with the current relevant Australian Standards AS2890.1:2004, except where amended by other conditions of this approval.	Compliant	Site inspection Section 11 of the Operation Environmental Management Plan (Version 6, 6 Feb 2024)	The site currently accommodates parking for 40 employees and visitors, including access to disability parking. The 70 parking spaces is considered relevant for the expansion of the facility in accordance with AS2890
39	The Proponent shall ensure that disabled parking and access is provided on-site and shall comply with Australian Standard AS1248.1 (2001) – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings.	Compliant	Site inspection Section 11 of the Operation Environmental Management Plan (Version 6, 6 Feb 2024)	Site inspection to identified disabled parking and accessibility at key access points to the office.
TRAFFIC MANAGEMENT				
40	The Proponent shall prepare and implement a Traffic Management Plan for the project to the satisfaction of the Secretary. The plan must: (a) be prepared in consultation with the RTA and Council, and be submitted to the Secretary for approval prior to commencement of construction of any subsequent stage of the project; (b) be prepared by a suitably qualified expert; (c) detail construction and operation vehicle routes, access and parking arrangements, traffic restrictions and traffic control; (d) include a Driver Code of Conduct.	Not triggered	Section 8 of the Operation Environmental Management Plan (Version 6, 6 Feb 2024)	No additional stages of the project have been constructed during the IA period; therefore this condition has not been triggered. Section 8 of the OEMP outlines the sites transport code of conduct.
SOIL AND WATER				
41	Except as may be expressly provided in an EPL for the project, the Proponent shall comply with Section 120 of the POEO Act.	Non-compliant (Low)	AEMRs for 2023, 2024, 2025 Mainstream Industries invoice of dam overflow vacuum (2023) NSW EPA Clean-up notice - 3505194 (14 April 2023) NSW EPA Clean Up Notice - 3505901 (6 September 2023)	Section 120 of POEO Act prohibits the pollution of waters. The channel outlet connected to Pond 4 is the location of potential stormwater discharge from the site. Monitoring is therefore undertaken within Pond 4 in order to ascertain water quality data in the event of such discharge occurring. A pollution event occurred during the IA period, as identified in Section 3.5.2 of this IA: On 14 April 2023, a spill containing wastewater from the ceramics manufacturing process was found to have spilled overland into detention ponds and eventually offsite to an unnamed tributary of Stony Creek. NSW EPA notices are summarised in Section 3.4.2. These notices detailed the event and the actions to be taken to prevent further potential environmental harm and reduce the likelihood of repeat occurrences. An environmental assessment (AECOM, May 2023) found the ongoing risk to human and ecological receptors within the downstream environment as a result of the spill to be low. The detection systems failed during the exceedance and were not detected until the NSW EPA was notified. Key outcomes included the requirement for dewatering and desilting of the two impacted detention ponds downstream of the aeration basin which was completed during June and July 2023. CA01 has been raised to address this condition.
EROSION AND SEDIMENT CONTROL				

Condition	Details	Compliance status	Relevant evidence	Commentary
42	The Proponent shall prepare and implement an Erosion and Sediment Control Plan for the project to the satisfaction of the Secretary. This plan must: (a) be submitted to the Secretary before the commencement of construction of any subsequent stage of the project; (b) be prepared in accordance with Landcom's "Managing Urban Stormwater: Soils and Construction" manual; (c) identify the works that could cause soil erosion and generate sediment; (d) describe the location, function, and capacity of the erosion and sediment controls that would be implemented; and (e) describe the measures that would be implemented to maintain these controls during the construction period.	Compliant	Site inspection and interviews Appendix F of the Operation Environmental Management Plan (Version 6, 6 Feb 2024) Water Management Plan (Version 2, October 2024)	No additional stages have been constructed. Two ESCPs have been developed for the site. The site currently operates within the ESCP established in the WMP however an ESCP is also contained in Appendix F of the OEMP. The ESCP contained in the Water Management plan meets the requirements of this condition, as outlined below: • Requirement (a): Not currently required • Requirement (b): addressed Sections 1.3, 7 • Requirement (c): addressed in Section 7 • Requirement (d): addressed in Section 7 and Figure 6 Requirement (e): addressed throughout. This initial ESCP was prepared in 2003 and the version attached to the most recent OEMP. The ESCP meets the requirements of this condition, as outlined below: • Requirement (a): Not currently required • Requirement (b): addressed Sections 1.2 • Requirement (c): addressed in 6.1 • Requirement (d): addressed in Section 3.1 and 4.2 • Requirement (e): addressed in Section 4 A construction specific ESCP will be required if construction of future stages is undertaken. OFI03 has been raised to address this condition.
43	All erosion and sedimentation controls required as part of this approval shall be maintained at design capacity for the duration of the construction works, and until such time as all ground disturbed by the construction works has been stabilized and rehabilitated so that it no longer acts as a source of sediment.	Not triggered	N/A	As no additional stages of the project have been constructed during the IA period this condition has not been triggered.
WATER DEMAND				
44	Prior to exceeding a water consumption level of 92ML/year, the Proponent shall obtain written approval from HWC that the amount required for each new Stage of the project is within the capacity able to be provided by HWC, to the satisfaction of the Secretary.	Compliant.	AEMRs for 2023, 2024, 2025 2023 - 2025 water consumption data	Water consumption did not exceed the threshold level of 92ML/year during the IA period. Water usage for the IA period is documented in the AEMRs as: • 2023: 80 ML • 2024: 54 ML • 2025: 39 ML
ALTERNATIVE WATER SOURCE				
45	Prior to the installation of any alternative water supply infrastructure, the Proponent shall consult with, and seek the approval of Hunter Water Corporation and Council.	Not triggered	Interviews No alternative water supply infrastructure proposed.	No alternative water supply infrastructure proposed or installed during the IA period.
STORMWATER MANAGEMENT				
46	The Proponent shall prepare and implement a Stormwater Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with Council and be submitted to the Secretary for approval prior to the commencement of construction of any subsequent stage of the project; (b) be prepared in accordance with the latest version of "Managing Urban Stormwater: Council Handbook" (DECC); (c) outline measures to manage stormwater to prevent the pollution of waters; (d) include a program to monitor stormwater quantity and quality; and (e) include detailed plans of the stormwater system.	Not triggered	Site inspection and interviews Section 6.2 of the Operation Environmental Management Plan (Version 6, 6 Feb 2024) Water Management Plan (Version 2, October 2024)	No additional stages constructed or commenced during the IA period, and as such, a standalone Stormwater Management Plan has not been developed. Section 6.2 of the OEMP and various sections of the Water Management plan provide the program for stormwater management onsite. Section 6.2 of the OEMP includes stormwater management, outlines 'the management of stormwater at the site is achieved via four wet detention basins which are connected by grass swales (servicing surface water flows from roof, roadway and landscaped areas) and a series of pits and pipe work (servicing car park and hardstand areas).' Storm water management is also addressed in the following sections of the Water Management Plan, initially developed to address condition U2 of the amended EPL: • Management of storm water including segregation of clean and dirty water and total water volumes: Section 7, 8 and 9 • Monitoring: Section 10 • Plan of storm water system: Appendix 2

Condition	Details	Compliance status	Relevant evidence	Commentary
				OFI03 has been raised to address this condition.
47	The Proponent shall ensure that the construction and operation of the facility does not concentrate or lead to an increase in the rate of flow of stormwater discharged from the site over and above the pre-development flow conditions.	Compliant	Site inspection and interviews Section 6.2 of the Operation Environmental Management Plan (Version 6, 6 Feb 2024) AEMRs for 2023, 2024, 2025	The detention basins have been designed with sufficient retention to reduce peak stormwater flows and improve the quality of water ultimately discharged from the site. The combined surface area of the four water detention basins is approximately 6,600 m2, which represents approximately 6.6% of the total catchment area. This exceeds the minimum requirement of 2% permanent water area defined in the Constructed Wetlands Manual (DLWC, 1998). As such, the level of water treatment offered by the wet detention system surpasses the guideline requirements. The number of discharges decreased during the IA period demonstrating an improvement in storm water discharge and management throughout the IA period. The grass swales have been designed to control surface flow velocities from runoff areas to no greater than 2 m/s. Final low flow stormwater discharges from the site occur at the channel outlet, located at the south eastern corner of the site. The detention basins have been designed with sufficient retention to reduce peak stormwater flows and improve the quality of water ultimately discharged from the site. Discharged water is then connected directly to the existing artificial wetland. Pond 4 is inspected on a weekly basis and was noted to be discharging on occasion throughout the IA period,, as identified in Section 4.2.1.1
48	The Proponent shall design, construct, operate and maintain all stormwater infrastructure to direct all stormwater runoff to the site's stormwater detention basins. Such stormwater infrastructure shall be capable of handling all stormwater discharges up to and include a 1 in 100 year ARI storm event.	Compliant	Site inspection and interviews Section 6.2 of the Operation Environmental Management Plan (Version 6, 6 Feb 2024) Water Management Plan (Version 2, October 2024) AEMRs for 2023, 2024, 2025	The detention basins have been designed with sufficient retention to reduce peak stormwater flows and improve the quality of water ultimately discharged from the site. The combined surface area of the four water detention basins is approximately 6,600 m2, which represents approximately 6.6% of the total catchment area. This exceeds the minimum requirement of 2% permanent water area defined in the Constructed Wetlands Manual (DLWC, 1998). As such, the level of water treatment offered by the wet detention system surpasses the guideline requirements. The number of discharges decreased during the IA period, demonstrating an improvement in storm water discharge and management throughout the IA period. The WMP is not yet approved as no construction has been undertaken; however, provides guidance regarding stormwater management onsite. When stages 5 to 8 are constructed, the stormwater system will need to be upgraded according to the EA approval. On 14 April 2023 a spill containing wastewater from the ceramics manufacturing process was found to have spilled overland into detention ponds and eventually offsite to an unnamed tributary of Stony Creek. Site inspection identified stormwater basins were the predominant destination of the stormwater onsite, outside of swales and natural absorption.
HERITAGE				
49	The Proponent shall cease all works on site in the event that any Aboriginal cultural objects(s) or human remains are uncovered onsite. The NSW Police, the Aboriginal Community and the OEH are to be notified. Works shall not resume in the designated area until approval in writing from the NSW Police and/or the OEH has been obtained.	Not triggered	Interviews AEMRs for 2023, 2024, 2025 No reports of aboriginal cultural objects or human remains uncovered during the IA period	No mention of Aboriginal cultural objects or human remains reported or uncovered onsite during the IA period in the AEMRs. No Aboriginal cultural objects or human remains were reported or uncovered onsite during the IA period.
50	The Proponent shall ensure all reasonable and feasible measures are made to avoid impacts to Aboriginal Cultural Heritage values for the life of the project. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and OEH.	Compliant	Interviews AEMRs for 2023, 2024, 2025 No reports of aboriginal cultural objects or human remains uncovered during the IA period	No construction activities with the potential to pose a risk to Cultural Heritage values were undertaken during the IA period No mention of Aboriginal cultural objects or human remains reported or uncovered onsite during the IA period in the AEMRs. No Aboriginal cultural objects or human remains were reported or uncovered onsite during the IA period. .
51	The Proponent shall: (a) prepare an Aboriginal Cultural Education Program for the induction of personnel and contractors involved in construction and landscaping activities on site, prior to the commencement of construction of any subsequent stage of the project; and	Not triggered	N/A	Commission or construction of the next stages have not commenced; therefore, the condition has not been triggered.

Condition	Details	Compliance status	Relevant evidence	Commentary
	(b) undertake consultation with Aboriginal stakeholders in the event of the discovery of Aboriginal cultural objects(s) throughout the construction of the project, (c) to the satisfaction of the Secretary.			
WASTE MANAGEMENT				
52	A designated area for the storage and collection of waste and recyclable materials shall be provided at the site and shall be designed, constructed, operated and maintained in a manner so as not to cause a nuisance to adjoining properties.	Complaint	Site inspection and interviews AEMRs Reports for 2023, 2024, 2025 Complaints register Waste and Resource Recovery Management Plan (Version 2, dated 24 October 2024) Water Management Plan (Version 2, October 2024) Pollution Incident Response Management Plan	Management of waste streams excluding wastewater: A formal waste management strategy has been produced in the form of the Waste and Resource Recovery Management Plan. Section 6.2 of the plan details waste management and waste material storage on site, in particular the designated Waste and Material Handling Area. Waste management areas were identified as functional and orderly during site inspection. Produced water and wastewater management has been addressed in various other sections of this IA, including the pollution event of 14 April 2023, identified by the NSW EPA.
53	The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the site to be disposed of at the site, except as expressly permitted by a licence under the <i>Protection of the Environment Operations Act 1997</i> .	Compliant	Site inspection and interviews Waste and Resource Recovery Management Plan (Version 2, dated 24 October 2024) Cleanaway waste removal invoices Concrush waste removal invoices	No waste is disposed of onsite, and no waste is received by the site Tiles identified as defected in early stages of processing are reused as raw material.
54	All wastes generated on site during construction and operation of the project shall be classified in accordance with the Waste Classification Guidelines, December 2009 (or later version) and disposed of to a facility that may lawfully accept the waste.	Compliant	Site inspection and interviews Sample waste tracking forms Cleanaway waste removal invoices Concrush waste removal invoices JR Richards Waste Removal Invoice (2025) Waste and Resource Recovery Management Plan (Version 2, dated 24 October 2024)	The Waste and Resource Recovery Management Plan produced during the IA period outlines how existing waste streams are classified onsite and the requirements for classification of any new waste streams. The plan outlines that 'A waste management register shall be maintained to monitor waste tracking for materials leaving site, and stockpiles produced on site and subsequent management. The register will be done in accordance with relevant EPA guidelines. Where waste is pre-classified in line with the Waste Classification Guidelines, it will be disposed of to an appropriately licensed facility or re-used in line with the relevant Resource Recovery Orders / Exemptions. As detailed in the AEMRs: 'The main waste generated from the operation is tile waste. Tile waste comprises both green tiles (i.e. raw material waste from unfired tiles, representing approximately 1% of tiles) and broken fired tiles. Other types of waste generated from the facility include consumables, packaging waste and general domestic waste generated within the office and lunchroom; however, these wastes represent an extremely minor part of the total waste stream.' Cleanaway, Concrush, and JR Richards waste removal invoices indicate regular and appropriate waste removal offsite during the IA period.
HAZARDS				
55	The Proponent shall ensure that the fuel storage tank is surrounded by a bund with a capacity to contain 110% of the largest tank within the bund. The bund(s) must be designed and installed in accordance with the requirements of the relevant Australian Standards and/or the OEH's Environmental Protection Manual Technical Bulleting Bunding and Spill Management.	Compliant	Site inspection and interviews Section 6.2 of the Operation Environmental Management Plan (Version 6, 6 Feb 2024) Pollution Incident Response Management Plan (v, 7 January 2025)	NCIA stores 2,400L of diesel on site contained in a 3,500L bund storage area. The bund represents a 145% containment of the fuel load. Site inspection to confirm location and operating condition of bund.
Schedule 4 – ENVIRONMENTAL MANAGEMENT, MONITORING AND INCIDENT REPORTING				
ENVIRONMENTAL MANAGEMENT				
ENVIRONMENTAL MANAGEMENT STRATEGY				
56	The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must: (a) be submitted to the Secretary for approval prior to commencement of any construction works; (b) be prepared by a suitably qualified and experienced expert; (c) provide the strategic framework for environmental management of the project; (d) identify the statutory requirements that apply to the project; (e) Describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; (f) describe in detail the management measures that would be implemented to address environmental issues;	Not triggered	Operation Environmental Management Plan (Version 6, 6 Feb 2024)	Construction of subsequent phases of the project did not occur during the IA period. An Operation Environmental Management Plan (OEMP) was prepared in accordance with the previous Development Consent to provide an environmental management framework for the facility. The requirements of this condition are generally met by the current site OEMP, for the current purposes of the project

Condition	Details	Compliance status	Relevant evidence	Commentary
	(g) describe in general how the environmental performance of the project would be monitored and managed; (h) describe the procedures that would be implemented to: – keep the local community and relevant agencies informed about the operation and environmental performance of the project; – receive, handle, respond to, and record complaints; – resolve any disputes that may arise during the course of the project; – respond to any non-compliances; and – respond to emergencies; and (i) include copies of the various strategies and plans that are required under the conditions of this approval once they have been approved.			
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN				
57	The Proponent shall prepare and implement a Construction Environmental Management Plan (CEMP) to outline environmental management practices and procedures to be followed during the construction of the ceramic tile manufacturing facility. The Plan shall include, but not necessarily be limited to: (a) a description of all activities to be undertaken on the site during construction of the ceramic tile manufacturing facility, including an indication of stages of construction, where relevant; (b) statutory and other obligations that the Proponent is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; (c) detailed management measures that would be implemented to address environmental issues (i.e., noise, air quality, heritage, water, potential acid sulphate soil); (d) specific consideration of measures to address any requirements of the Department, Council and the OEH during construction; (e) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts; and (f) a description of the roles and responsibilities for all relevant employees involved in the construction of the ceramic tile manufacturing facility. The CEMP shall be submitted for the approval of the Secretary prior to the commencement of construction of any subsequent stage of the project.	Not triggered	N/A	As no additional stages of the project were commissioned or constructed during the IA period this condition has not been triggered.
ENVIRONMENTAL REPORTING				
INCIDENT REPORTING				
58	Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and any other relevant agencies of the incident.	Non-Compliant (Administrative)	AEMRs for 2023, 2024, 2025 Notification of exceedances identified (pH, ECC)	Evidence of the 12 April 2023 spill incident was identified by the NSW EPA. NCIA failed to identify this incident and subsequently did not notify for the occurrence. NCIA did not notify the DPHI following the incident. The OEMP identifies the requirement to notify the department and other agencies following an incident. CA02 has been raised to address this condition.
59	Within 7 days of the detection of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident.	Non-compliance (Administrative)	AEMRs for 2023 Annual Returns for 2023-2024 and 2024-2025 Any incident reports 14 April 2023 incident report submission	Incident report was provided to EPA following notification and Clean-up notices associated with the 12 April 2023 pollution event. This detail was not provided to DPHI. Incident was included within AEMR for 2023, provided to DPHI via the portal, outside of the notification period. CA02 has been raised to address this condition.
ANNUAL PERFORMANCE REPORTING				
60	Every year from the date of this approval, unless the Secretary agrees otherwise, the Proponent shall submit an Annual Environmental Management Report (AEMR) to the Secretary and relevant agencies. The AEMR shall: (a) be conducted by suitably qualified and experienced team (b) be submitted within 3 months of the period being assessed by the AEMR; (c) identify the standards and performance measures that apply to the development; (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years; (e) include a summary of the monitoring results for the development during the past year;	Compliant	Evidence of submission of AEMRs AEMR and post approval submission forms for 2023, 2024, 2025 Post Approval submission forms for AEMRs	An AEMR was produced for each year within the IA period. The AEMRs meet the requirements of this condition as outlined below: • Requirement (a): The AEMRs were prepared by AECOM on behalf of NCIA. • Requirement (b): The annual period being assessed ends in July each year. AEMRs were submitted to the major projects planning portal and were identified as the following dates: ▪ 31 October 2023 ▪ 31 October 2024

Condition	Details	Compliance status	Relevant evidence	Commentary
	(f) include an analysis of these monitoring results against the relevant: – impact assessment criteria; – monitoring results from previous years; and – predictions in the EA; (g) identify any trends in the monitoring results over the life of the development; (h) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; (i) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance; and (j) identify continuous improvement measures, outlining new developments in air quality and noise control, and detailing practices that have been implemented on the site during the previous year, to reduce air quality and noise impacts.			▪ 30 October 2025 • Requirement (c): addressed in Section 2 • Requirement (d): addressed in Section 3 • Requirement (e): addressed in Section 4 • Requirement (f): addressed in Section 4 and 5 • Requirement (g): addressed in Section 4 and 5 • Requirement (h): addressed in Section 4 and 5 • Requirement (i): addressed in Section 6 • Requirement (j): addressed in Section 7
ENVIRONMENTAL AUDIT				
61	Every 3 years from the date of this approval, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must: (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Secretary; (b) be undertaken in consultation with the OEH and Council; (c) include an assessment of the noise and air quality performance of the project; (d) assess the environmental performance of the project and undertake any works necessary to determine whether it is complying with the relevant standards, performance measures, and statutory requirements; (e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary, (f) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.	Compliant	This IA 2025 AEMR	2025 AEMR Management Response: Next IA to be completed no later than 7 March 2026 as agreed with the Department of Planning. NCIA are currently in the process of tendering for the next IA. 2026 IA finding: The IA period is from the 8 March 2023 (the last day of the previous IA completed by Talis Consultants) to 19 January 2026 (the last day of the Onward IA site inspection). The AEMRs meet the requirements of this condition as outlined below: • Requirement (a): addressed in Section 1.2 • Requirement (b): addressed in Section 2.6 • Requirement (c): addressed in Section 3.8.1 and 3.8.2 • Requirement (d): addressed in Section 3.8 • Requirement (e): addressed in Section 3.6 • Requirement (f): addressed in Section 4 This IA does not align with 'every three years from the date of the approval: • The Approval Condition states 'three years from the data of this approval, unless the Director General directs otherwise. • Correspondence from DPHI to NCIA on 21 November 2025 confirmed the independent IA team, agencies and additional notes. • Within these notes, DPHI identifies: 'The IA period is the day after the site inspection date of the previous audit, to the final site inspection date of the current audit.' • It is noted in 2023 IA, the reason for the delay of the 2021 IA was in part to Covid-19, resulting in the change in IA pattern.
62	Within 6 weeks of completing this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary with a response to any recommendations contained in the audit report.	Note	Extension for submission provided by DPHI due to technical issues of auditor sharing a copy of the final IA report. Due date of IA extended from 2 March 2026 to 6 March 2026.	
63	Within 3 months of submitting an audit report to the Secretary, the Proponent shall review and if necessary revise the strategy/plans/programs and undertake additional mitigation measures as required under this approval to the satisfaction of the Secretary.	Note		
ACCESS TO INFORMATION				
64	Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or annual reports required under this approval, the Proponent shall: (a) provide a copy of the relevant documents/data to the relevant agencies; (b) and make the documents publicly available in an appropriate electronic format on the Proponent's web site, should one exist. If a web site does not exist, the documents are to be made available upon request.	Non-Compliant (Administrative)	NCIA Website	NCIA is generally compliant with the requirements of this condition, noting that the OEMP addresses requirements for the management plans identified. The following strategies , plans and programs for the IA period are available on the NCIA website: • AEMRs: 2023, 2024 and 2025 • Annual Returns: 2022-2024, 2023-2024 and 2024-2025 • OEMP • Pollution Incident Response Plan (Version 1, 7 January 2025) The following documents that are required on the website are not available when the IA was undertaken:

Condition	Details	Compliance status	Relevant evidence	Commentary
				• 2023 IA • CA04 has been raised to address this condition. • •

Appendix E

Statement of Commitments

Condition	Details	Compliance status	Relevant evidence	Commentary
Statement of Commitments				
Air Quality				
Construction	A Construction Environmental Management Plan (CEMP) would be prepared prior to commencement of construction of the project. The CEMP would include as a minimum: - Control of access via sealed roadways; - Vehicle speed limits on site; - Avoid dust generating activities during undesirable conditions; - Minimisation of areas of disturbed soils during construction; - Dust suppression with water sprays or other media during windy periods (as required); - Stockpiling of soils on site kept to a practical minimum; - Construction equipment idling time minimisation and appropriate engine tuning and servicing to minimise exhaust emissions; & - Procedures to address any complaints received.	Not Triggered	Construction Environmental Management Plan, July 2003 (parsons Brinckerhoff). AEMRs for 2023, 2024 and 2025	No construction undertaken in this reporting period
Operation	a) NCIA commits to the stringent air emissions concentration limits required of the approved facility for the project as detailed in the existing development consent as modified. b) Additionally: - Dust extraction baghouses would be integrated with the kiln stacks; - Fluoride emissions would be managed within the kiln baghouses by implementing a mechanism where a fine spray of lime is injected into the kiln exhaust flow to scrub the HF emissions; - Lime used in the baghouse would have a high percentage of Calcium available for scrubbing of HF; - Installation of additional monitoring points to monitor baghouse operational parameters e.g. pressure drop to allow more efficient tracking of the performance of the baghouses; and - All new production lines will have kiln stack filtration systems positioned internally to the buildings. The aim of this is to ensure more efficient management of the emissions. - Dust extraction bag houses would be integrated with the spray dryers; - Fabric filters would also be implemented on the extraction fans located adjacent to the selection line; - NCIA would continue their vegetation monitoring program as required by their existing consent and Environment Protection Licence; and - The clay preparation area would be located inside the factory building.	Compliant	AEMRs – 2023,2024 and 2025 Site inspection	Controls associated with Conditions were Verified in the AEMRs and site inspection. One complaint regarding air emissions was lodged during the audit period, from a neighboring resident who was informed what was emitted out of the stacks was damaging his gutters, further detail is included in section 4.3 of this IA.
Greenhouse Gas and Energy Efficiency	- An Energy Savings Action Plan would be prepared; - New generation kilns would be installed that incorporate new energy recovery systems; and - The project would be designed to allow for the addition of electricity cogeneration facilities by way of leaving space and allowing for easy connection and integration at a later date.	Not Triggered	OEMP Site inspection	The OEMP states that preparation of an ESAP was initiated; however, following consultation with the Department, involvement with the Energy Efficiency Opportunities program was recommended and pursued as an appropriate alternative. As agreed with the Department, NCIA opted out of the program due to the low level of emissions from the facility. The EEO program is now closed. The 2015 IER indicates that NCIA were deregistered from the Commonwealth Energy Efficiency Opportunities Act 2006 in 2013 as NCIA did not trigger the energy use requirements under the Act.
Noise	- The project would commit to and adopt the operational noise criteria outlined in this EA; - No truck deliveries of raw products or final product despatch would occur during the night time period (night-time 10.00 pm to 7.00 am); - Electric, laser guided forklifts would be utilised to transport final product from the proposed factory building to the product despatch area of the existing building; - The transport route for both forklifts and delivery/product despatch truck would be designed to minimise the need for reversing and, as such, the use of reversing alarms; - The bag-houses for the proposed kiln stacks would be located inside the proposed factory building; and - The proposed dust extraction unit, located on the southern end of the eastern wall of the proposed factory building, would be enclosed to reduce noise emission to east & south.	Compliant	Site inspection Site interviews Noise Monitoring results summarised in AEMRs from 2023, 2024 and 2025	Site inspection and interviews identified truck access schedules, electric forklifts, and site layout were undertaken in accordance with this condition. The proposed factory has not been constructed and is not considered. Three complaints regarding noise were recorded during the audit period, all in 2025, with two complaints received on the same night (25 September 2025). The investigation identified the rotary valve on the Kiln 1 scrubber as the likely source of the complaint, and maintenance works were subsequently undertaken to address the issue, with no complaints received following the action taken. No subsequent complaints were received following the improvements.
Traffic and Parking	The onsite car parking would be increased to 70 spaces to ensure adequate provision is provided for all staff and visitors and all new spaces would be provided in accordance with AS2890.	Not Triggered	Site inspection Site interviews	The site currently accommodates parking for 40 employees and visitors, including access to disability parking. The 70 parking spaces is considered relevant for the expansion of the facility in accordance with AS2890.

Condition	Details	Compliance status	Relevant evidence	Commentary
				Current number of employees is on average 45, between day shift, night shift and weekends.
Hazard and Risk	- The existing site emergency plan would be updated as required to include potential incidents at the expanded facility, including gas releases/fires and diesel releases/fires; and - Fuel handling management procedures would be included in the revised site Operational Environmental Management Plan.	Compliant	Site inspection Site interviews OEMP (2024) No construction during audit period	This commitment is not triggered as there has been no construction of additional stages in the audit period. Fuel handling is addressed in Appendix B of the OEMP, considering Emergency situation analysis.
Soil and Water	- Wet detention basins would be provided with the dual function of reducing peak stormwater flows and improving water quality by settling of sediment prior to discharge; - Rainwater tanks would be provided with the function of reducing peak stormwater flows; - Grass swales to collect runoff from beside roadways, to connect between the wet detention basins, to reduce runoff velocities, to provide some infiltration of water, and for water quality improvement; - Ground area disturbed would be minimised at any one time during construction and progressive rehabilitation/ landscaping of completed areas; - The volume of water required to be handled would be minimised by diverting clean water around all disturbed areas; - The surface of all areas required for construction traffic, parking, storage and amenities would be treated to provide adequate drainage and prevent soil loss; - Provision of sedimentation traps and fencing to capture and treat runoff from all disturbed areas would be provided, including a regime for inspection and removal of accumulated sediment; - Storage of potential contaminants (i.e. fuels, oils or chemicals) would occur offsite or within bunded, covered and lined areas; - The construction and operation of the project would not concentrate or lead to an increase in the rate of flow of stormwater discharged from the site over and above the predevelopment flow conditions, and - An Acid Sulphate Soils Management Plan (ASSMP) would be prepared in accordance with the Acid Sulphate Soil Planning Guidelines (NSW Acid Sulphate Soils Management Advisory Committee, 1998) prior to the construction of Stages Five - Eight.	Compliant	Site inspection. Water Management Plan	The project is in compliance with these commitments, as detailed in Section 4.2 of this IA.. Stages 5-8 have not been constructed, or are currently planned, as such the final consideration, 'An Acid Sulphate Soils Management Plan (ASSMP) would be prepared in accordance with the Acid Sulphate Soil Planning Guidelines (NSW Acid Sulphate Soils Management Advisory Committee, 1998) prior to the construction of Stages Five – Eight' has not been triggered. Chemicals and fuels are generally stored in accordance with this condition.
Visual	- Planting of native vegetation around the perimeter of the site would be undertaken in locations unaffected by buildings, internal road ways or infrastructure easements to assist in screening outside views; - The use of appropriate building materials and colours to blend with the surrounding environment and reduce the visual dominance of the building; - Lights would be placed and designed to avoid causing glare or excessive light spillage on neighbouring sites; - Lighting near adjoining properties where appropriate would be shielded with cut off luminaries; - Building illumination would be discrete; and - Lighting to car park areas and for security purposes would be low intensity.	Compliant	Site inspection Site interviews AECOM lighting report	Vegetation: Maitland City Council contacted NCIA regarding a complaint received noting overgrown weeds and vegetation along the southwestern boundary. The complaint raised concerns about potential fire hazards. A site inspection was conducted with a Council representative. During the visit, no significant issue or excessive overgrowth was observed that would justify the complaint. NCIA's groundskeeper removed some of the vegetation and progressively manages growth on the perimeter of the site Light: No complaints regarding lighting onsite received during the audit period. The 2024 obtrusive light compliance report identified a failed test result at ObtrusiveLight_NW_III_Seg1 with a reading of 5.2 Lux , exceeding the limit of 2 Lux. This light in question was not compliant; however, this was based on if a dwelling was built on up against the boundary opposite the light in question. This is currently a workshop type facility, and this is unlikely to occur. AECOM, correspondence on 20th February 2024 identified the lighting is compliant & meets 'AS/NZS4282:2019 based on the existing site condition'. External lights were adjusted following the report, to further mitigate any potential light pollution. There have been no material changes or new external lighting since 20th February 2024. Email from AECOM dated 28 October 2025 stating from 20 Feb 2024 the lighting is compliant after the following activities: - Added Roller shutter - Changed building stage and changed pavement - Amended external pavement NCIA includes lighting inspections on the daily rounds of the afternoon employees to ensure no changes have occurred since adjusting the lights. Building materials: Building material condition is not triggered, as expansion of the facility has occurred since the approval.

Condition	Details	Compliance status	Relevant evidence	Commentary
Ecology	- NCIA would continue its vegetation monitoring program for fluoride as required by their existing consent and EPL; and - NCIA would finalise their onsite revegetation generally in accordance with Figure 4 and as described in Section 14.1.3.	Compliant	AEMRs – 2023,2024,2025 Site Inspection EPL Annual Returns 2023, 2024, 2025	Vegetation monitoring plan is established and reported on in AEMR for the reporting period. AECOM identified monitoring results generally consistent with long-term season patterns and were within historical ranges for all sampled specimens. NCIA are generally in compliance with this condition.
Aboriginal Heritage	- Even though no areas or objects of Aboriginal cultural heritage significance have been identified within the project site, there still remains the potential (albeit very low) that there may be Aboriginal cultural objects below the ground surface. Agreed management procedures for unexpected finds will provide an effective way to minimise project impacts on unrecorded Aboriginal cultural heritage. - Procedures for the Discovery of Archaeological Deposits and the Discovery of Human Remains are detailed in Section 14.3.1 of this EA and would be implemented during the project.	Not Triggered		This commitment is not triggered as there are no expanded facilities.
Environmental Monitoring	- NCIA would continue their vegetation monitoring program as required by their existing consent and EPL; and - NCIA would negotiate with DECCW and DOP an appropriate Environmental Monitoring program.	Compliant	AEMR 2023, 2024,2025 OEMP EPL Annual Returns 2023, 2024, 2025	Vegetation monitoring plan is established and reported on in AEMR for the reporting period. AECOM identified monitoring results generally consistent with long-term season patterns and were within historical ranges for all sampled specimens. NCIA are generally in compliance with this condition.
Environmental Management and Reporting	- The existing site OEMP and environmental management plans would be reviewed, modified and updated to include the project; and - NCIA would continue with its environmental reporting and auditing requirements as specified in the existing development consent (where possible).	Compliant	OEMP Environmental Monitoring is addressed in section 4 of this IA. AEMRs for 2023,2024 and 2025	The OEMP was updated in 2024 NCIA undertakes environmental reporting and auditing as required by the Project Approval, EPL and notices from the NSW EPA

Appendix F

EPL 11956

Condition	Details	Compliance status	Relevant evidence	Commentary						
ADMINISTRATIVE CONDITIONS										
A1 WHAT THE LICENCE AUTHORISES AND REGULATES										
A1.1	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition. <table><tr><th>Scheduled Activity</th><th>Fee Based Activity</th><th>Scale</th></tr><tr><td>Ceramic works</td><td>Ceramics production</td><td>> 50000 - 200000 T annual production capacity</td></tr></table>	Scheduled Activity	Fee Based Activity	Scale	Ceramic works	Ceramics production	> 50000 - 200000 T annual production capacity	Compliant	AEMRs for 2023, 2024, 2025 Annual Returns for 2023-2024 and 2024-2025	Annual total ceramic production according to the AEMRs: 2023: 93,671 tonnes 2024: 92,335 tonnes 2025: 71,853 tonnes The annual production capacities were not exceeded during the audit period.
Scheduled Activity	Fee Based Activity	Scale								
Ceramic works	Ceramics production	> 50000 - 200000 T annual production capacity								
A1.2	The ultimate intended production of the licensed activity is >200 000 tonnes per annum. This licence currently only authorises activity up to 200 000 tonnes per annum. A variation application must be submitted two months prior to the commissioning of each subsequent kiln to allow for the increase in production and the addition of limit and monitoring conditions associated with the operation of each of these kilns.	Compliant	AEMRs for 2023, 2024, 2025 Annual Returns for 2023-2024 and 2024-2025	No subsequent kiln commissioning has occurred during the audit period and as identified above in Condition A1.1 the annual productions are under the licensed activity limit. No variation application submitted during the audit period.						
A2 PREMISES OR PLANT TO WHICH THIS LICENCE APPLIES										
A2.1	The licence applies to the following premises: <table><tr><th>Premises Details</th></tr><tr><td>NATIONAL CERAMIC INDUSTRIES AUSTRALIA PTY LTD</td></tr><tr><td>RACECOURSE ROAD</td></tr><tr><td>RUTHERFORD</td></tr><tr><td>NSW 2320</td></tr><tr><td>LOT 1010 DP 1109790</td></tr></table>	Premises Details	NATIONAL CERAMIC INDUSTRIES AUSTRALIA PTY LTD	RACECOURSE ROAD	RUTHERFORD	NSW 2320	LOT 1010 DP 1109790	Note	Note	Note
Premises Details										
NATIONAL CERAMIC INDUSTRIES AUSTRALIA PTY LTD										
RACECOURSE ROAD										
RUTHERFORD										
NSW 2320										
LOT 1010 DP 1109790										
A3 INFORMATION SUPPLIED TO THE EPA										
A3.1	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to: (a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and (b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence	Compliant	This audit Annual Returns for 2023-2024 and 2024-2025 AEMRs for 2023, 2024, 2025	Information provided to the NSW EPA has been reviewed and is correct.						
2 DISCHARGES TO AIR AND WATER APPLICATIONS TO LAND										
P1 LOCATION AND MONITORING/DISCHARGE POINTS AND AREAS										
P1.1	The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.	Compliant	AEMRs for 2023, 2024, 2025 Annual Returns for 2023-2024 and 2024-2025 Annual Emissions Testing Reports 2023, 2024, 2025 Operation Environmental Management Plan (Version 6, 6 Feb 2024)	Monitoring points are identified in the OEMP; however, the OEMP should be updated to include the most recent EPL The monitoring data detailed in the AEMRS includes most of the NSW EPA locations except for: 2, 7, 8, 13, 16, 17, 20 and 21 as these monitoring locations have not had specific limits sets in section M2.2 of the EPL. . Locations are provided in the OEMP: - Table 5 Emission rates and concentrations - Figure 4 Identified Stack Emission Sources and Related Emission Controls - Figure 5 Ambient Air Quality Monitoring Sites - Figure 6 Fluoride Vegetation Monitoring Locations						

Condition	Details	Compliance status	Relevant evidence	Commentary																																																																																																
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L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Not-compliant (Low)	AEMRs for 2023, 2024, 2025 Annual Returns for 2023-2024 and 2024-2025 NSW EPA Clean-up notice - 3505194 (14 April 2023) NSW EPA Clean Up Notice - 3505901 (6 September 2023)	A spill containing waste water from the ceramics manufacturing process was found to have spilled overland into detention ponds and eventually offsite to an unnamed tributary of Stony Creek. NSW EPA Clean-up notice 3505194 was issued on 14 April 2023 followed by several variations identified in Section 3.2.1. These notices detailed the event and the actions to be taken to prevent further potential environmental harm and reduce the likelihood of repeat occurrences. An environmental assessment (AECOM, May 2023) found the ongoing risk to human and ecological receptors within the downstream environment as a result of the spill to be low. Key outcomes included the requirement for dewatering and desilting of the two impacted detention ponds downstream of the aeration basin which was completed during June and July 2023. CA01 has been raised to address this condition.												
L2 LOAD LIMITS																
L2.1	The actual load of an assessable pollutant discharged from the premises during the reporting period must not exceed the load limit specified for the assessable pollutant in the table below.	Compliant	Annual Returns for 2023-2024 and 2024-2025 AEMRs for 2023, 2024, 2025	During the audit period all pollutant loads were under the 1850kg load limit. It is noted that all weekly and 24-hour fluoride ambient monitoring to the North West and South East of the facility returned results below the relevant EPA guideline criteria.												
L2.2	The actual load of an assessable pollutant must be calculated in accordance with the relevant load calculation protocol. <table><tr><th>Assessable Pollutant</th><th>Load limit (kg)</th></tr><tr><td>Coarse Particulates (Air)</td><td>14338.00</td></tr><tr><td>Fine Particulates (Air)</td><td>26629.00</td></tr><tr><td>Fluoride (Air)</td><td>1850.00</td></tr><tr><td>Nitrogen Oxides (Air)</td><td>36828.00</td></tr><tr><td>Sulfur Oxides (Air)</td><td>36828.00</td></tr></table> Note: An assessable pollutant is a pollutant which affects the licence fee payable for the licence.	Assessable Pollutant	Load limit (kg)	Coarse Particulates (Air)	14338.00	Fine Particulates (Air)	26629.00	Fluoride (Air)	1850.00	Nitrogen Oxides (Air)	36828.00	Sulfur Oxides (Air)	36828.00	Compliant	AEMRs for 2023, 2024, 2025 Annual Returns for 2023-2024 and 2024-2025	As confirmed in the AEMRs and Annual Returns, the actual load of assessable pollutants is calculated in accordance with the relevant Load Calculation Protocol for ceramics production.
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L3 CONCENTRATION LIMITS																
L3.1	For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Compliant	AEMRs for 2023, 2024, 2025 Annual Returns for 2023-2024 and 2024-2025 2025 Monthly Ambient Monitoring Reports	Annual Returns did not identify exceedances of EPL limits.												
L3.2	Air Concentration Limits	Note	Note	Note												

Condition	Details	Compliance status	Relevant evidence	Commentary																																																																																																																																																
	POINT 1,2,3,4,5,6,9,10,12,13 <table><tr><th>Pollutant</th><th>Units of measure</th><th>100 percentile concentration limit</th><th>Reference conditions</th><th>Oxygen correction</th><th>Averaging period</th></tr><tr><td>Solid Particles</td><td>milligrams per cubic metre</td><td>20</td><td>Dry, 273K, 101.3kPa</td><td></td><td></td></tr></table> POINT 7,8 <table><tr><th>Pollutant</th><th>Units of measure</th><th>100 percentile concentration limit</th><th>Reference conditions</th><th>Oxygen correction</th><th>Averaging period</th></tr><tr><td>Solid Particles</td><td>milligrams per cubic metre</td><td>20</td><td>Dry, 273K, 101.3kPa</td><td></td><td></td></tr></table> POINT 14,15 <table><tr><th>Pollutant</th><th>Units of measure</th><th>100 percentile concentration limit</th><th>Reference conditions</th><th>Oxygen correction</th><th>Averaging period</th></tr><tr><td>Cadmium</td><td>milligrams per cubic metre</td><td>0.1</td><td>Dry, 273K, 101.3kPa</td><td></td><td></td></tr><tr><td>Nitrogen 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L3.3	For the purposes of the above table, “hazardous substances” means type 1 and type 2 substances as defined in Part 5 of the Protection of the Environment Operations (Clean Air) Regulation 2010.	Note	Note	Note																																																																																																																																																
L4 WASTE																																																																																																																																																				

Condition	Details	Compliance status	Relevant evidence	Commentary
L4.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	Compliant	Site inspection and interviews AEMRs for 2023, 2024, 2025 Waste and Resource Recovery Management Plan (Version 2, dated 24 October 2024) Concrush Contract/Receipts JR Richards Waste Removal Invoice (2025)	No waste is imported to this site and there is no disposal of waste on site.
L5 NOISE LIMITS				
L5.1	Noise from the premises must not exceed: (a) 41dB(A) LAeq(15 minute) during the day (7am to 6pm) Monday to Saturday and (8am to 6pm) Sunday and public holidays; and (b) 39dB(A) LAeq(15 minute) during the evening (6pm to 10pm) Monday to Sunday and public holidays; and (c) at all other times 35dB(A) LAeq (15 minute), except as expressly provided by this licence. Where LAeq means the equivalent continuous noise level – the level of noise equivalent to the energy-average of noise levels occurring over a measurement period.	Compliant	AEMRs for 2023, 2024, 2025 2025 Noise Compliance Monitoring Report	Overall, AEMRs and the 2025 Noise Compliance Monitoring Report deem noise from the premises to be compliant. The results show that the measured LAeq(15 min) noise levels at both the Kenvil Place and Wollombi Rd monitoring locations are above the 35 dB(A) Project Approval limit for each of the three time periods. In most cases traffic was noted to be the dominant noise source with the site noted to be inaudible during the day, potentially audible in the evening and barely audible at night. The alternative calculations revealed that most predicted results are either below or equivalent to the 35 dB Project Approval limit at both receiver locations. A result within 2 dB of the criteria was calculated at the Kenvil Place receiver with a 2 dB exceedance considered negligible by the NPfl.
L5.2	Noise from the premises is to be measured at the most affected point on or within the receptor site boundary to determine compliance with this condition.	Compliant	AEMRs for 2023, 2024, 2025	Noise monitoring was undertaken by AECOM throughout the reporting period. Noise monitoring is undertaken at Kenvil Close and Wollombi Road through regular assessments that measure LAeq (15-minute) noise levels for day, evening and night periods, and L _{Amax} levels at night, in accordance with the NSW Industrial Noise Policy and Project Approval requirements. Results are reported in monthly noise assessment reports and summarised annually. Due to the proximity of the site to traffic, and background noise, alternative assessment methods used where necessary to determine the site's specific noise contribution. Review of noise monitoring data from the audit period indicates that while measured LAeq (15-minute) noise levels at nearby receivers frequently exceeded the 35 dB(A) criterion, these exceedances were primarily attributable to traffic and other ambient sources, with NCIA operations generally inaudible or barely audible. Alternative compliance assessments in accordance with the Noise Policy for Industry (NPfl) showed the facility's noise contribution to be at or below the applicable limits, with only occasional results within 2 dB of the criterion, which were considered negligible and did not represent material non-compliance.
L5.3	Noise from the premises shall not exceed the L _{A1} (1 minute) noise level of 45 dB(A) at the nearest residential receiver most affected by noise from activities at the premises. The noise limit applies 1 metre from the dwelling façade and shall apply during the night period only.	Compliant	AEMRs for 2019, 2020, 2021, 2022, 2023, 2024, 2025 2025 Noise Compliance Monitoring Report	Both the Project Approval and EPL state that a 45dB short term limit applies during the night time period (10pm – 7am). The Project Approval stipulates the L _{Amax} must not exceed 45 dB at the two receiver locations (Kenvil Close and Wollombi Road) while the EPL stipulates that the LA1 must not exceed 45 dB at the nearest residential receiver most affected by noise from activities at the premises (deemed to be 26 Fairway Street). L _{Amax} measurements performed at the Project Approval locations were elevated due to localised noise sources and are not representative of the site contribution. While an LA1 measurement was not directly obtained at 26 Fairway Street, the L _{Amax} measured at this location was sometimes slightly higher than the criteria. The L _{Amax} reading is a shorter time period than the LA1 and provides a conservative assessment of short term noise potentially impacting sleep. An exceedance within 2 dB of the criteria is considered negligible under the NPfl and it is likely that an LA1 result if available would be compliant.
L5.4	The noise emission limits specified above apply under all meteorological conditions except: (a) during rain and wind speeds greater than 3 m/s; and (b) from 6pm to 7am during intense inversions, which are indicated by cloud cover less than 40 per cent and wind speeds less than 1.0 m/s Note: Wind data should be collected at 10m height.	Note	Note	Note
L6 POTENTIALLY OFFENSIVE ODOUR				
L6.1	No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997. Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a	Compliant	Site inspection and interviews AEMRs for 2023, 2024, 2025 Sample Daily Factory Condition Check Complaints register	There is no reference to odour in the AEMRs for the audit period and no complaints relating to odour were received. Site inspection confirm no odours were present on site.

Condition	Details	Compliance status	Relevant evidence	Commentary
	potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.			
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 (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Non-compliant (Low)	Site inspection and interviews AEMRs for 2023, 2024, 2025 Sample maintenance records/reports JR Richards Waste Removal Invoice (2025) Waste and Resource Recovery Management Plan (Version 2, dated 24 October 2024) NSW EPA Clean-up notice - 3505194 (14 April 2023) NSW EPA Clean Up Notice - 3505901 (6 September 2023)	Operations are generally undertaken in a competent manner at the facility. Wastewater from the site caused a pollution event on 12 April 2023 as outlined in 3.2.1 of this IA, as such NCIA are not compliant to this condition. AECOM (May,2023) identified the ongoing risk to human and ecological health to be low. The management team is engaged, and adaptive mitigation strategies are evident. NCIA utilises specialist environmental consultants to development and review management plans and undertake monitoring. A formal waste management strategy has been produced in the form of the Waste and Resource Recovery Management Plan, in addition to the site OEMP and PIRMP. Within this plan, waste management measures are outlined to ensure the treatment, storage, processing, reprocessing, transport and disposal of waste is undertaken in a competent manner. Additionally, resource management measures are outlined to ensure the processing, handling, movement and storage of materials and substances is carried out in a competent manner. Site inspection to verify appropriate waste management such as handling and storage Site inspection for general verification that activities are being carried out in a competent matter The management team is engaged, and adaptive mitigation strategies are evident. NCIA utilise specialist environmental consultants to development and review management plans and undertake monitoring. CA01 has been raised to address this condition.
O2 MAINTENANCE OF PLANT AND EQUIPMENT				
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: (a) must be maintained in a proper and efficient condition; and (b) must be operated in a proper and efficient manner.	Non-compliant (Low)	NSW EPA Clean-up notice - 3505194 (14 April 2023) NSW EPA Clean Up Notice - 3505901 (6 September 2023) Site inspection and interviews Maintains log samples collected: • lime scrubber: ◦ 24/05/2024 ◦ 29/07/2025 ◦ 22/10/2025 • dust collector: ◦ 9/12/2024 ◦ 26/11/2025 AEMRs for 2023, 2024, 2025 2025 Noise Assessment Reports	Wastewater from the site caused a pollution event on 12 April 2023 as outlined in 3.2.1 of this IA, as such NCIA are not compliant to this condition. AECOM (May,2023) identified the ongoing risk to human and ecological health to be low. A contributing factor to this incident was NCIA's failure to maintain the aeration pond alarms and sensors. Samples of maintenance logs provided indicate the lime scrubbers and dust collectors are routinely maintained. The AEMRs indicated that: 'plant equipment operated at NCIA is maintained regularly and in accordance with manufacturer's specifications to ensure that water use, reuse and recycling efficiencies are optimised.' Three complaints regarding noise were recorded during the audit period, all in 2025, with two complaints received on the same night (25 September 2025). The investigation identified the rotary valve on the Kiln 1 scrubber as the likely source of the complaint, and maintenance works were subsequently undertaken to address the issue on 29 September 2025, with no complaints received following the action taken. No subsequent complaints were received following the improvements. CA01 has been raised to address this condition.
O3 DUST				
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Compliant	Site inspection and interviews AEMRs for 2023, 2024, 2025 Operation Environmental Management Plan (Version 6, 6 Feb 2024) (Section 5) Complaints Register Maintains log samples collected for dust collector: 9/12/2024	Continuous improvements in dust extraction are ongoing by replacing pipes, vacuums, bag houses and the procurement of specialised equipment to reduce dust in the workplace. Majority of this work completed 2024 with all dust captured reused in the process of manufacturing tiles. The Selection/Packaging baghouse was replaced in 2025 with dust captured in this baghouse recycled back into production.

Condition	Details	Compliance status	Relevant evidence	Commentary
			26/11/2025	Site inspection observed the following from Section 5 of OEMP: : - Dust during tile waste loading process - Warehouse doors closed, one of which was damaged, with a replacement already ordered - Baghouse pipework and equipment used to extract and manage dust within the warehouse - Roads sealed
O4 PROCESSES AND MANAGEMENT				
O4.1	Where complaints of impact upon vegetation are received, the licensee must investigate and submit a written report to the EPA identifying the magnitude of the vegetation damage and potential for fluoride emissions from the plant to have contributed to the damage.	Not triggered	AEMRs for 2023, 2024, 2025 Complaints Register	No complaints or reports regarding impacted vegetation from fluoride emissions were required during the audit period.
5 MONITORING AND RECORDING CONDITIONS				
M1 MONITORING RECORDS				
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Compliant	NCIA Website AEMRs for 2023, 2024, 2025 Annual Returns for 2022-2023, 2023-2024 and 2024-2025 Noise assessment Emissions summary Monthly Ambient Monitoring	All monitoring undertaken and required by the EPL was either on the NCIA website or provided by NCIA for the purpose of the audit. Monitoring records are available on the NCIA website under social responsibilities, Monitoring records available on the NCIA social responsibility webpage include: - Noise Assessment 2023 and 2024 - Emissions Summary 2024 and 2025 (2025 is labelled as 2025 assessment) - Ambient Monitoring monthly reports – January 2023 to December 2025 The following documents that are not on the website during the audit period: 2025 Noise Assessment (link is to the 2025 Annual Emissions Monitoring Summary) - Emissions Summary 2023
M1.2	All records required to be kept by this licence must be: (a) in a legible form, or in a form that can readily be reduced to a legible form; (b) kept for at least 4 years after the monitoring or event to which they relate took place; and (c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Compliant	NCIA Website	AEMRs and Annual Returns are provided on the websites in an easily accessible and legible format and these documents date back to 2016.
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: (a) the date(s) on which the sample was taken; (b) the time(s) at which the sample was collected; (c) the point at which the sample was taken; and (d) the name of the person who collected the sample.	Compliant	NCIA Website AEMRs for 2023, 2024, 2025 2023-2025 Monthly Ambient Monitoring Reports Noise Monitoring Reports 2023-2025 Emission Monitoring reports 2023-2025	Samples provided during the audit complied with this condition.
M2 REQUIREMENT TO MONITOR CONCENTRATION OF POLLUTANTS DISCHARGED				
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Compliant	AEMRs for 2023, 2024, 2025 2025 Monthly Ambient Monitoring Reports	As outlined in the AEMRs, air monitoring occurs as per the requirements in Condition M2.2 as outlined below: <u>Points 1, 3, 5, 6, 9, 10, 12, 14, 15, 18, 19</u> Stack emissions testing is undertaken annually in accordance with the EPL requirements. For example, in 2025 stack emissions testing was conducted during the period February to June. Each source was tested for Total Particulates and Fine Particulates (PM10). Testing conducted on the Kiln 1 and Kiln 2 stacks also measured concentrations of Total Fluoride (as HF), Sulfuric Acid Mist (H2SO4 as SO3), Sulfur Dioxide (SO2), Total Hazardous Substances (Metals), and Combustion Gases (NO, NO2, NOx and Equivalent NO2). All sampling was conducted in accordance with the applicable EPA test methods with analyses conducted by a NATA-accredited laboratory. <u>Point 22</u>

Condition	Details	Compliance status	Relevant evidence	Commentary																																																																																																												
				For PM10 monitoring, two sampling locations have been established at the Northwest and Southeast to determine concentrations at the NCIA property boundary (with both locations identified as EPL Point 22). The monitors are sited in accordance with AS/NZS 3580.1.1. Sampling and analyses of PM10 are undertaken as per AS/NZS 3580.9.6:2015. Discrete 24- hour samples are collected every 6 days according to the NSW EPA schedule. <u>Point 23</u> Two fluoride monitoring units (manual, double filter paper samplers) have been sited at the Northwest and Southeast monitoring locations (with both locations identified as EPL Point 23) and are operated in accordance with AS3580.13.2. At each location, one monitor operates continuously over a 7- day period to provide weekly fluoride concentration averages. These units are designated 'Northwest HF7' and 'Southeast HF7'. The remaining unit at each site operates for discrete 24-hour periods according to the NSW EPA 6-day cycle to provide 24-hour averages for sampler operation days. These units are designated 'Northwest HF' and 'Southeast HF'.																																																																																																												
M2.2	Air monitoring requirements POINT 1,3,5,6,9,10,12 <table><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr><tr><td>Dry gas density</td><td>kilograms per cubic metre</td><td>Yearly</td><td>TM-23</td></tr><tr><td>Moisture content</td><td>percent</td><td>Yearly</td><td>TM-22</td></tr><tr><td>Molecular weight of stack gases</td><td>grams per gram mole</td><td>Yearly</td><td>TM-23</td></tr><tr><td>Solid Particles</td><td>milligrams per cubic metre</td><td>Yearly</td><td>TM-15</td></tr><tr><td>Temperature</td><td>degrees Celsius</td><td>Yearly</td><td>TM-2</td></tr><tr><td>Velocity</td><td>metres per second</td><td>Yearly</td><td>TM-2</td></tr><tr><td>Volumetric flowrate</td><td>cubic metres per second</td><td>Yearly</td><td>TM-2</td></tr></table> POINT 14,15 <table><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr><tr><td>Cadmium</td><td>milligrams per cubic metre</td><td>Yearly</td><td>TM-12, TM-13 & TM-14</td></tr><tr><td>Carbon dioxide</td><td>percent</td><td>Yearly</td><td>TM-24</td></tr><tr><td>Dry gas density</td><td>kilograms per cubic metre</td><td>Yearly</td><td>TM-23</td></tr><tr><td>Hazardous substances</td><td>milligrams per cubic metre</td><td>Yearly</td><td>TM-12, TM-13 & TM-14</td></tr><tr><td>Hydrogen fluoride</td><td>milligrams per cubic metre</td><td>Yearly</td><td>TM-9</td></tr><tr><td>Mercury</td><td>milligrams per cubic metre</td><td>Yearly</td><td>TM-12, TM-13 & TM-14</td></tr><tr><td>Moisture</td><td>percent</td><td>Yearly</td><td>TM-22</td></tr><tr><td>Molecular weight of stack gases</td><td>grams per gram mole</td><td>Yearly</td><td>TM-23</td></tr><tr><td>Nitrogen Oxides</td><td>milligrams per cubic metre</td><td>Yearly</td><td>TM-11</td></tr><tr><td>Oxygen (O2)</td><td>percent</td><td>Yearly</td><td>TM-25</td></tr><tr><td>Solid Particles</td><td>milligrams per cubic metre</td><td>Yearly</td><td>TM-15</td></tr><tr><td>Sulfuric acid mist and sulfur trioxide (as SO3)</td><td>milligrams per cubic metre</td><td>Yearly</td><td>TM-3</td></tr><tr><td>Velocity</td><td>metres per second</td><td>Yearly</td><td>TM-2</td></tr><tr><td>Volumetric flowrate</td><td>cubic metres per second</td><td>Yearly</td><td>TM-2</td></tr></table> POINT 18,19 <table><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr><tr><td>Dry gas density</td><td>kilograms per cubic metre</td><td>Yearly</td><td>TM-23</td></tr><tr><td>Moisture content</td><td>percent</td><td>Yearly</td><td>TM-22</td></tr><tr><td>Molecular weight of stack gases</td><td>grams per gram mole</td><td>Yearly</td><td>TM-23</td></tr></table>	Pollutant	Units of measure	Frequency	Sampling Method	Dry gas density	kilograms per cubic metre	Yearly	TM-23	Moisture content	percent	Yearly	TM-22	Molecular weight of stack gases	grams per gram mole	Yearly	TM-23	Solid Particles	milligrams per cubic metre	Yearly	TM-15	Temperature	degrees Celsius	Yearly	TM-2	Velocity	metres per second	Yearly	TM-2	Volumetric flowrate	cubic metres per second	Yearly	TM-2	Pollutant	Units of measure	Frequency	Sampling Method	Cadmium	milligrams per cubic metre	Yearly	TM-12, TM-13 & TM-14	Carbon dioxide	percent	Yearly	TM-24	Dry gas density	kilograms per cubic metre	Yearly	TM-23	Hazardous substances	milligrams per cubic metre	Yearly	TM-12, TM-13 & TM-14	Hydrogen fluoride	milligrams per cubic metre	Yearly	TM-9	Mercury	milligrams per cubic metre	Yearly	TM-12, TM-13 & TM-14	Moisture	percent	Yearly	TM-22	Molecular weight of stack gases	grams per gram mole	Yearly	TM-23	Nitrogen Oxides	milligrams per cubic metre	Yearly	TM-11	Oxygen (O2)	percent	Yearly	TM-25	Solid Particles	milligrams per cubic metre	Yearly	TM-15	Sulfuric acid mist and sulfur trioxide (as SO3)	milligrams per cubic metre	Yearly	TM-3	Velocity	metres per second	Yearly	TM-2	Volumetric flowrate	cubic metres per second	Yearly	TM-2	Pollutant	Units of measure	Frequency	Sampling Method	Dry gas density	kilograms per cubic metre	Yearly	TM-23	Moisture content	percent	Yearly	TM-22	Molecular weight of stack gases	grams per gram mole	Yearly	TM-23	Note	Note	Note
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M2.3	For the purposes of the table above Special Frequency 1 means: one unit at each location will operate continuously to provide 7 day concentration averages. The second unit at each location will operate continuously for 24 hours on a six day cycle.	Note	Note	Note																																
M3 TESTING METHODS – CONCENTRATION LIMITS																																				
M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: (a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or (b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or (c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place. Note: The Protection of the Environment Operations (Clean Air) Regulation 2022 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".	Compliant	AEMRs for 2023, 2024, 2025 Annual Returns for 2023-2024 and 2024-2025 2025 Monthly Ambient Monitoring Reports Section 5 - Operation Environmental Management Plan (Version 6, 6 Feb 2024)	As outlined Condition M2.2 above and in the monthly environmental monitoring reports: Sampling is performed by AECOM Australia Pty Ltd (AECOM) and sample analysis is carried out by ALS (NATA accreditation 825). All sampling and analysis are carried out in accordance with Environmental Protection Authority (EPA) approved methods with reference to the following Australia Standards: - monitoring of fine suspended particulates (PM10) on the NSW EPA six-day cycle in accordance with: - AS/NZS 3580.9.6 (2015) Methods for the Sampling and Analysis of Ambient Air – Determination of Suspended Particulate Matter – PM10 High Volume Sampler with Size Selective Inlet – Gravimetric Method. - monitoring of fluorides in ambient air in accordance with: - AS/NZS 3580.13.2 (2013) Determination of fluorides – Gaseous and acid-soluble particulate fluorides – Manual, double filter paper sampling. - meteorological monitoring in accordance with: - AS 3580.1.1 (2016) – Methods for sampling and analysis of ambient air – Part 1.1 – Guide to siting air monitoring equipment. - AS 3580.14 (2014) – Methods for sampling and analysis of ambient air – Part 14: Meteorological monitoring for ambient air quality monitoring.																																
M4 TESTING METHODS – LOAD LIMITS																																				
M4	Note: Division 4 of the Protection of the Environment Operations (General) Regulation 2022 requires that monitoring of actual loads of assessable pollutants listed in L2.2 must be carried out in accordance with the relevant load calculation protocol set out for the fee-based activity classification listed in the Administrative Conditions of this licence.	Compliant	AEMRs for 2023, 2024, 2025 Annual Returns for 2023-2024 and 2024-2025	As confirmed in the AEMRs and Annual Returns, the actual load of assessable pollutants is calculated in accordance with the relevant Load Calculation Protocol for ceramics production.																																
M5 ENVIRONMENTAL MONITORING																																				
M5.1	The licensee must monitor the impact of fluoride on vegetation as follows: (a) Annual and quarterly visual assessment of vegetation in the area surrounding the premises as outlined in the document titled Proposed Ambient Air Quality Monitoring Programs – National Ceramic Industries Australia, Rutherford dated January 2004. (b) Quarterly monitoring of the fluoride content in vegetation in the area surrounding the premises as outlined in the document titled Proposed Ambient Air Quality Monitoring Programs – National Ceramic Industries Australia, Rutherford dated January 2004. The licensee must maintain a list and a map of the monitoring sites used to assess the impact of the premises on the surrounding environment. Part of each sample analysed must be carefully stored to the satisfaction of the EPA for a period of not less than 12 months and forwarded to the EPA on request.	Compliant	AEMRs for 2023, 2024, 2025 Section 5 - Operation Environmental Management Plan (Version 6, 6 Feb 2024)	The OEMP outlines the requirements for monitoring the impact of fluoride on vegetation and includes a Vegetation Sampling and Handling Procedure. As outlined in the AEMRs, ‘the impact of fluoride on vegetation was monitored by undertaking visual assessments of the condition of local vegetation surrounding the NCIA facility and by foliar sampling of selected flora species for laboratory analysis of fluoride content. Generally, the species assessed in the monitoring program were selected based on their known sensitivity to atmospheric fluoride impacts. Quarterly vegetation assessments are conducted during the reporting periods (September, December, March and June) with the December round including the Annual Vegetation Condition Assessment.																																

Condition	Details	Compliance status	Relevant evidence	Commentary																																								
M6 WEATHER MONITORING																																												
M6.1	For the monitoring point specified below, the licensee must monitor the parameters specified. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency specified. Point 24 <table border="1"> <thead> <tr> <th>Parameter</th><th>Units of measure</th><th>Averaging period</th><th>Frequency</th><th>Sampling Method</th></tr> </thead> <tbody> <tr> <td>Wind speed @10m</td><td>m/s</td><td>1 hour</td><td>Continuously</td><td>AM2 & AM-4</td></tr> <tr> <td>Wind direction @ 10m</td><td>degrees</td><td>1 hour</td><td>Continuously</td><td>AM-2 & AM-4</td></tr> <tr> <td>Sigma theta @ 10m</td><td>degrees</td><td>1 hour</td><td>Continuously</td><td>AM-2 & AM-4</td></tr> <tr> <td>Ambient temperature @ 5m</td><td>degrees celcius</td><td>1 hour</td><td>Continuously</td><td>AM-4</td></tr> <tr> <td>Rainfall</td><td>mm</td><td>daily</td><td>Continuously</td><td>AM-4</td></tr> <tr> <td>Siting</td><td></td><td></td><td></td><td>AM-1 & AM-4</td></tr> <tr> <td>Measurement</td><td></td><td></td><td></td><td>AM-2 & AM-4</td></tr> </tbody> </table>	Parameter	Units of measure	Averaging period	Frequency	Sampling Method	Wind speed @10m	m/s	1 hour	Continuously	AM2 & AM-4	Wind direction @ 10m	degrees	1 hour	Continuously	AM-2 & AM-4	Sigma theta @ 10m	degrees	1 hour	Continuously	AM-2 & AM-4	Ambient temperature @ 5m	degrees celcius	1 hour	Continuously	AM-4	Rainfall	mm	daily	Continuously	AM-4	Siting				AM-1 & AM-4	Measurement				AM-2 & AM-4	Compliant	AEMRs for 2023, 2024, 2025	As outlined in the Meteorological Monitoring sections of the AEMRs, NCIA have been monitoring the local meteorological conditions in accordance with this Condition. There has been an improvement in the percentage of continuous monitoring achieved, compared to the previous IA which identified some parameters (ambient temperature and rainfall) as low as ~94%, the 2023-2025 AEMRs report 100% continuous monitoring for all parameters. Monthly ambient monitoring data across the period has dropped as low as 94%, interpretations from AECOM identify this reporting to be continuous.
Parameter	Units of measure	Averaging period	Frequency	Sampling Method																																								
Wind speed @10m	m/s	1 hour	Continuously	AM2 & AM-4																																								
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M7 RECORDING OF POLLUTION COMPLAINTS																																												
M7.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Compliant	AEMRs for 2023, 2024, 2025 Complaints register	Section 3 of the AEMRs lists a record of complaints received over the life of the activity, this complaint list was also provided during the audit RFI process.																																								
M7.2	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 complain, 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.	Compliant	AEMRs for 2023, 2024, 2025 Complaints register	The records of complaints included in the AEMRs has limited details, including only year, nature and details. The complaint excel sheet provided during the audit RFI includes all the relevant details to comply with this condition.																																								
M7.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant	Complaints register	The complaints register has a record of complaints received dating back to 2005.																																								
M7.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Not Triggered	Site interview	EPA did not request the complaints register during the reporting period.																																								
M8 TELEPHONE COMPLAINTS LINE																																												
M8.1	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.	Compliant	'Contact Us' page on website –	Office hours and after-hours phone numbers were present on the company website																																								
M8.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Compliant	'Contact Us' page on website	Office hours and after-hours phone numbers were present on the company website																																								
M8.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Note	Note	Note																																								
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.	Compliant	Annual Returns for 2023-2024 and 2024-2025	The Annual Returns completed and submitted are included on the website dating back to 2014. Using the most recent Annul Return (2024 – 2025) as a sample, it was confirmed that the requirements of this condition are met in the Annual Return form.																																								

Condition	Details	Compliance status	Relevant evidence	Commentary
	At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.			
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.	Compliant	Annual Returns for 2023-2024 and 2024-2025	The Annual Returns completed and submitted are included on the website dating back to 2014.
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.	Note	Note	Note
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.	Note	Note	Note
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Compliant	Records of suppling Annual Returns within the timeframe	Annual Returns are submitted to the NSW EPA via an online portal, where records are kept.
R1.6	Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date. The notification must specify: (a) the assessable pollutants for which the actual load could not be calculated; and (b) the relevant circumstances that were beyond the control of the licensee.	Not triggered	N/A	No delayed annual return completion occurred during the audit period.
R1.7	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Compliant	NCIA Website	The Annual Returns completed and submitted are included on the website dating back to 2014.
R1.8	Within the Annual Return, the Statements 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. (c) Note: the term 'reporting period' is defined in the dictionary at the end of the licence. Do not complete the Annual Return until after the end of the reporting period. (d) Note: An application to transfer a licence must be made in the approved form for this purpose.	Compliant	Annual Returns for 2023-2024 and 2024-2025	The copies of the Annual Returns available on the NCIA website are not signed copies.
R2 NOTIFICATION OF ENVIRONMENTAL HARM				
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Non-compliant (Administrative)	EPA Clean up notices for the period	NCIA was notified by the NSW EPA regarding the pollution event on 12 April 2023. As such, no notification was made by NCIA. CA: Notification requirements to all relevant parties are included in the site PIRMP. Notification to relevant bodies is suggested to form part of annual PIRMP tests.
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident. Note: the licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Non-compliant (Administrative)	Reponses to EPA Clean-up notices.	NCIA responded to the NSW EPA following Clean up notices with an incident report and responses to requests for information by the NSW EPA. Evidence provided can't confirm if this report was provided within 7 days of the NSW EPA notifying NCIA of the pollution event. CA: Notification requirements to all relevant parties are included in the site PIRMP. Notification to relevant bodies is suggested to form part of annual PIRMP tests.
R3 WRITTEN REPORT				

Condition	Details	Compliance status	Relevant evidence	Commentary
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: (a) where this licence applies to premises, an event has occurred at the premises; or (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Compliant	NSW EPA Clean-up notice - 3505194 (14 April 2023) NSW EPA Clean Up Notice - 3505901 (6 September 2023) Correspondence provided from NCIA following the NSW EPA Clean-up notices	Written reports were provided to the NSW EPA throughout the reporting period in response to various Clean-up notices as identified in section 3.5.2 of this IA, relating to the pollution event on 14 April 2023 The 2023 AEMR reported a spill incident on the 14 April. On this date a spill containing wastewater from the ceramics manufacturing process was found to have spilled overland into detention ponds and eventually offsite to an unnamed tributary of Stony Creek. •
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.	Compliant	Response to EPA Notice 3505901 (20 October 2023) Response to EPA Notice 3505194 (22 May 2023)	Written reports were provided to the NSW EPA throughout the reporting period in response to various Clean-up notices as identified in section 3.5.2 of this IA, relating to the pollution event on 14 April 2023 Supplementary Clean Up notices were issued during the audit period. The nature of these variations were to extend the time frame for the testing and cleanup operations. NCIA asserts these notices were generally complied with and the incident was closed out in June 2024.
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 and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; (d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; (e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; (f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and (g) any other relevant matters.	Note	Note	Note
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	Compliant	Response to EPA Notice 3505901 (20 October 2023) Response to EPA Notice 3505194 (22 May 2023)	Written reports were provided to the NSW EPA throughout the reporting period in response to various Clean-up notices as identified in section 3.5.2 of this IA, relating to the pollution event on 14 April 2023 Supplementary Clean Up notices were issued during the audit period. The nature of these variations were to extend the time frame for the testing and cleanup operations. NCIA asserts these notices were generally complied with and the incident was closed out in June 2024. .
7 GENERAL CONDITIONS				
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Compliant	Site inspection	License identified during site inspection
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Not triggered	N/A	The NSW EPA did not request a copy of the license during the audit period,.
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Compliant	Site inspection	License identified onsite inspection
8 POLLUTION STUDIES AND REDUCTION PROGRAMS				
U1 POST COMMISSIONING AIR EMISSIONS MONITORING				
U1.1	Within ninety (90) days of commissioning of each of the kilns, and when the plant is operating under design loads and normal operating conditions the applicant must conduct point source emission testing on each stack as specified in Condition M2.2. A dispersion modelling based air quality impact assessment must also be carried out strictly in accordance with the methodologies set out in "Approved Methods and Guidance for the Modelling and assessment of Air Pollutants in New South Wales". A validation report containing the monitoring results and the dispersion modelling must be submitted to the EPA's Regional Manager, within twenty-eight days (28) of the testing being completed. If the point source emissions recorded or the predicted ground level concentrations of pollutants do not comply with the values specified in the Air Quality Assessment contained within the Environmental Impact Statement, the limits set in this licence and the EPA's Impact Assessment Criteria described in "Approved Methods and Guidance for the Modelling and Assessment of Air	Compliant	AEMRs for 2023, 2024, 2025	No new kilns have been commissioned. Point source emission testing on each stack is carried out as specified in Condition M2.2 when the plant is operating under design loads and normal operating conditions.

Condition	Details	Compliance status	Relevant evidence	Commentary
	Pollutants in NSW" and Air Quality Mitigation Study must be completed and submitted within 60 days of the submission of the validation report.			
U1.2	The air quality mitigation study must address the following: (a) Using the results obtained in U1.1, a technical review of all practicable mitigation options must be carried out and the potential reduction in air quality impacts associated with each air quality mitigation option must be quantitatively evaluated; (b) The technical review referred to in U1.2 (a) must indicate whether there are air quality mitigation options available which would allow the premises to meet the appropriate impact assessment criteria detailed in U1.1 (taking into account factors such as meteorology, topography or whether the nearest sensitive receptor lies within the affected zone) and the extent of any difficulty in meeting the appropriate impact assessment criteria; (c) A cost/benefit analysis of a range of air quality mitigation options must be carried out; and (d) Using the results of U1.1 and U1.2 (a), (b) and (c), emission concentration limits (point sources only) and management practices (point and diffuse sources) must be identified for the most cost effective air quality mitigation option to ensure the appropriate impact assessment criteria detailed in U1.1 can be met; (e) It must specify a timetable to implement all recommendations of the report.	Not Triggered	N/A	As no additional stages of the project were commissioned or constructed during the audit period this condition has not been triggered.
U1.3	Within ninety (90) days of commissioning of the first kiln, and when the plant is operating under design loads and normal operating conditions the licensee must conduct a noise study to assess compliance with the noise levels predicted in the EIS and specified in Condition L5.1. The report must be submitted to the EPA's Regional Manager, Hunter within twenty-eight days (28) of the testing being completed. If the noise levels do not comply with the specified limits the report must identify measures to be implemented and a timetable to achieve compliance.	Not Triggered.	N/A	This condition falls outside of the audit period.
U2 WATER MANAGEMENT REVIEW				
U2.1	The Licensee must provide a water management plan that is prepared by an appropriately qualified and experienced person to the EPA by 27 October 2024. The plan must include and may not be limited to: (a) a water balance for the premises; (b) design and capacity of the stormwater management storages on the premises that segregate clean from dirty water areas; (c) consideration of roof water capture, storage and re-use on the premises; (d) segregation and controls for dirty water containment, storage and re-use on the premises with attention on the waste tile storage area, the gas treatment area, the raw materials receival area and any other outdoor materials storage areas; (e) an updated plan of the Premises segregating clean stormwater and dirty water recapture; (f) contingency measures and designs to prevent any discharges from process water or dirty water on the premises; and (g) a program of works to implement recommended upgrades including costing and a timeframe for implementation of the upgrades to the water management system. (h) (Note: dirty water areas include any areas where water comes into contact with any wastes, tiles, raw material or waste material stockpiles, gas treatment areas etc.).	Non-compliant (Administrative)	Water Management Plan (Version 2, dated 24 October 2024) NCIA - Waste & Water Management Plans submission to EPA email (25 October 2024)	A Water Management Plan (WMP) was developed by the due date, on the 24 October 2024 and submitted to the NSW EPA via email on the 25 October 2024. The WMP was found to adequately address the requirements of this condition as follows: Requirement (a): addressed in Sections 6.2 • Requirement (b): addressed in Section 8.1 and Appendix 2 • Requirement (c): addressed in Section 8.1 • Requirement (d): addressed in Section 7, 8, 9 • Requirement (e): addressed in the WMP in general and in Section 7, 8 and 9 • Requirement (f): addressed in Sections 7 and 8.2 • Requirement (g): addressed in Sections 7 and 8.2: Costings and timelines for the rainwater catchment and other key improvements are not identified in the report. CA04 has been raised to address this condition.
U3 WASTE MANAGEMENT REVIEW				
U3.1	The Licensee must provide the EPA with an updated waste and resource recovery management plan prepared by an appropriately qualified and experienced person by 27 October 2024. The plan must include but may not be limited to: (a) identifying all waste stored at the Premises, including an assessment of the generation, storage, handling, re-use and removal of waste from the Premises; (b) creating a map of the Premises identifying the location of all waste material stored at the Premises; (c) developing and implementing signage for all waste material stored at the Premises; (d) develop recommendations for any upgrades to the storage, handling and removal of waste at the Premises to limit wind blown waste and rain water infiltration of waste; and (e) develop a program of works to implement the recommended upgrades and removal of any surplus waste from the Premises to a facility that can lawfully accept it, including cost and timeframe for implementation.	Compliant	Waste and Resource Recovery Management Plan (Version 2, dated 24 October 2024) NCIA - Waste & Water Management Plans submission to EPA email (25 October 2024)	A Waste and Resource Recovery Management Plan (WRRMP) was developed by the due date, on the 24 October 2024 and submitted to the NSW EPA via email on the 25 October 2024. The WRRMP was found to adequately address the requirements of this condition as follows: • Requirement (a): addressed in Sections 4 and 5 • Requirement (b): addressed in Section 6.2 (Figure 4) • Requirement (c): addressed in Section 6.1 • Requirement (d): addressed in Section 6.1 and 6.2 • Requirement (e): addressed in Section 5.2.2 and 6.2

Appendix G

Site inspection photos



Plate 1 Aeration Pond additional barriers



Plate 2 Aeration Pond Floating alarm and digital measure



Plate 3 Dam 2 Culvert and drain for shutoff



Plate 4 Spill kit within facility



Plate 5 Dam 2



Plate 6 Stockpiles sediment fence requiring maintenance



Plate 7 Factory centre with drainage to aeration pond



Plate 8 Factory centre heat carbon capture recycling



Plate 9 Rejected tile waste management inside facility



Plate 10 Diesel storage and refuel internal bund



Plate 11 Emissions point



Plate 12 Lubricant delivery



Plate 13 Broken Factory Roller Door (replacement ordered)



Plate 14 New Bag house Dust Bunded



Plate 15 Lime bag house catchment



Plate 16 Sediment fence north of Pond 1



Plate 17 Lime stored within factory



Plate 18 Loading and storage area



Plate 19 Culvert on northside of facility



Plate 20 Factory lights reviewed in inspection



Plate 21 North Monitoring station



Plate 22 Sediment fence north of pond 1



Plate 23 Closed northern roller door



Plate 24 Thoroughfare in raw material area



Plate 25 Lubricant stored by drain to aeration pond



Plate 26 Raw Material storage (approximately 1200T capacity)



Plate 27 Rejected tile after firing for Concrush removal for repurposing



Plate 28 Monitoring Station



Plate 29 Timber waste sorting with a delivery of roller skins (additional timber skips stored after annual January delivery)



Plate 30 Water swale between driveway and substation following rain



Plate 31 Stormwater drain with coir log



Plate 32 Cardboard and paper waste organisation

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