

Environment Protection Licence

Licence - 21766

Licence Details

Number:	21766
Anniversary Date:	21-March

Licensee

GAMUDA BERHAD
 FERROVIAL AGROMAN (AUSTRALIA) PTY. LTD.
 PO BOX 565
 TOORMINA NSW 2452

Premises

COFFS HARBOUR BYPASS
 NOT APPLICABLE
 COFFS HARBOUR NSW 2450

Scheduled Activity

Road construction

Fee Based Activity

Scale

Road construction (>=50,000T & road to be constructed >10km & <30km)	> 2000000 Remaining extraction or processing
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Contact Us

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Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).



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The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

GAMUDA BERHAD
FERROVIAL AGROMAN (AUSTRALIA) PTY. LTD.
PO BOX 565
TOORMINA NSW 2452

subject to the conditions which follow.



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1 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.

Scheduled Activity	Fee Based Activity	Scale
Road construction	Road construction ($\geq 50,000T$ & road to be constructed $>10km$ & $<30km$)	> 2000000 Remaining extraction or processing

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
COFFS HARBOUR BYPASS
NOT APPLICABLE
COFFS HARBOUR
NSW 2450
THE COFFS HARBOUR BYPASS

A2.2 Premises map(s) changes are permitted to be altered through this condition. Any proposed variations to the premises must:

- be submitted to the EPA in electronic format for approval;
- be clearly described on a complete map set containing unique identifiers for revision number, map sheet numbers and issue date;
- be submitted to the EPA no less than 10 business days prior to the date of the scheduled land portion handover, land portion surrenders, land portion additions or any other changes;
- be clearly described in writing submitted at the same time as the complete map set;
- be lawful and permitted under the relevant approval; and
- if changes to the nature of works are proposed, the licensee must demonstrate any additional environmental impacts in relation to any changes have been considered and can be managed in an appropriate manner.

A2.3 The most recently approved premises map(s) must be available for public viewing on the licensee's project website or a related website approved in writing by the EPA no more than 5 business days after the approval of the map(s) by the EPA.

The requirements outlined in this condition only come into force when works or activities commence at the licensed premises.

A2.4 In relation to Condition A2.1, the premises are defined by the most recent premises map(s) held on EPA

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Electronic File EF16/4219 and approved in writing by the EPA.

- A2.5 The following activities are excluded from the definition of construction in the Minister of Planning's Conditions of approval and are included here for consistency as required by section 89(K) of the Environmental Planning and Assessment Act 1979, and may be undertaken outside of the Environment Protection Licence premises boundary:
- (a) survey works including general alignment survey and survey controls (including installation of global positioning system (GPS), repeater stations, survey of existing and future utilities or building/road dilapidation surveys.
 - (b) further investigations including investigative drilling, excavation or salvage.
 - (c) establishing approved ancillary facilities/construction work sites in locations meeting the requirements of the conditions of approval and approved by the Environmental Representative or Secretary. This includes the establishment of ancillary facilities access roads and the provision of services to the facility and installation of erosion and sedimentation controls. Operation of approved ancillary facilities must not commence until they have been included in the EPL premises boundary.
 - (d) installation of temporary exclusion fencing for sensitive areas, at-house acoustic treatments and measures identified in approved strategies, plans, programs and other documents required by the Ministers conditions of approval, boundary fencing and vegetation planting.
 - (e) property acquisition adjustment works including the installation of property fencing, demolition and removal of buildings, relocation of utilities to property (including water supply and electricity).
 - (f) utilities adjustments where an approved Environment Work Method Statement has been prepared in consultation with EPA.
 - (g) existing road network adjustments including minor upgrades to existing local roads and the existing Pacific Highway network, upgrade of existing intersections to cater for construction traffic, installation of temporary and permanent project signage and line marking required for the approved project.
 - (h) minor clearing or translocation of native vegetation associated with (a) to (g) above.
 - (i) other activities determined in consultation and agreed by the EPA to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc).

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.

- A3.2 Unless specifically stated by another condition of this licence, Environmental Management Plans or systems supplied to the EPA by the licensee do not form part of this licence.
- A3.3 Whenever collecting information from any member of the public, including complaints or consent to out of hours work, a licensee must seek consent from the member of the public for the disclosure of their personal information, and collection by the EPA, or any other NSW government agency.

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A4 Other administrative conditions

- A4.1 The EPA must be notified in writing, of the intention to commence works or activities authorised by this licence at the premises for the first time, at least 5 business days prior to the proposed commencement of those works or activities.

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

- P1.1 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge Water Quality	Discharge Water Quality	The outlet from sediment basins referred to in condition P1.5 of this licence.
2	Discharge Water Quality	Discharge Water Quality	The outlet from sediment basins referred to in condition P1.5 of this licence.
3	Discharge Water Quality	Discharge Water Quality	The outlet from water treatment plants referred to in condition P1.5 of this license
4	Discharge Water Quality	Discharge Water Quality	The outlet from high efficiency sediment basins referred to in condition P1.5 of this licence.

- P1.2 Noise and Vibration Monitoring will be conducted in the following manner;
- in line with Noise and Vibration Monitoring Program, as required by the Minister of Planning's Conditions of Approval, and
 - the most recent premises map including noise monitoring locations will be provided to the EPA for written approval and held on EPA Electronic File EF16/4219, and
 - records of noise and vibration levels will be provided to NSW EPA upon request.
- P1.3 The licensee must ensure each monitoring point is clearly marked by a sign denoting the number of the monitoring point.
- P1.4 The premises map(s) and schedule are maintained on electronic file EF16/4219.
- P1.5 For the purpose of this licence the discharge points referred to at condition P1.2 and P1.3 of this licence are those from sediment basins identified in CHBP_EPL_Discharge_Points. Register as contained in electronic file EF16/4219.

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- P1.6 All sediment basins on the premises must be identified in a schedule submitted to the EPA. The schedule, including any proposed updates, must:
- a) be submitted to the EPA in electronic format no less than 10 business days prior to the planned commissioning or decommissioning of a sediment basin;
 - b) include the following information:
 - i. unique identifiers consistent with the map(s) required by condition P1.2
 - ii. size, type, and discharge criteria for each sediment basin;
 - iii. the catchment details and receiving waters of each sediment basin; and
 - iv. easting and northing coordinates for each sediment basin
 - v. For Type D sediment basins that discharge into the Solitary Islands Marine Park the design rainfall depth (5-day 90% percentile [74.9 mm])
 - vi. For Type D sediment basins that do not discharge into the Solitary Islands Marine Park the design rainfall depth (5-day 85% percentile [55.8 mm])
 - vii. for Type B sediment basins the 1-hour 1 exceedance per year rainfall intensity (mm) for each basin catchment.
- Note: The premises map(s) and schedule are maintained on electronic file EF16/4219.
- P1.7 The licensee, in commissioning a new sediment basin, may only vary the discharge point locations identified in Condition P1.2 and P1.3 if it provides the EPA with a copy of the revised document/s identified at Condition P1.5 of this licence, at least 7 days prior to the commissioning on the premises, unless otherwise agreed to in writing by the EPA for each new activity.
- P1.8 The licensee, in decommissioning an existing sediment basin, may only vary the discharge point locations identified in Condition P1.2 and P1.3 if it provides the EPA with a copy of the revised document/s identified at Condition P1.5 of this licence, at least 21 days prior to the decommissioning on the premises, unless otherwise agreed to in writing by the EPA for each decommissioning activity.

3 Limit Conditions

L1 Pollution of waters

- 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.

Note: For condition L1.1 reporting of the activation of a Tigger Action Response Plan must be done in line with the Tigger Action Response Plan

L2 Concentration limits

- L2.1 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.
- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

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L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

L2.4 Water and/or Land Concentration Limits

POINT 1,2,3

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil and Grease	Visible				Nil
pH	pH				6.5-8.5

POINT 1,3

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Total suspended solids	milligrams per litre				50

POINT 2

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Total suspended solids	milligrams per litre				10

POINT 3

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Arsenic	milligrams per litre				0.05
Cadmium	milligrams per litre				0.014
Chromium (hexavalent)	milligrams per litre		0.07		
Chromium (trivalent)	milligrams per litre				0.15

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Copper	milligrams per litre	0.04
Iron	milligrams per litre	1.5
Lead	milligrams per litre	0.03
Manganese	milligrams per litre	2.5
Mercury	milligrams per litre	0.0007
Nickel	milligrams per litre	0.2
Zinc	milligrams per litre	0.15

- L2.5 Exceeding the limits specified in Condition L2.4 of this licence for discharges from the discharge point(s) identified by conditions P1.1 is only permitted if:
- the discharge occurs solely as a result of rainfall measured at the premises exceeding the design rainfall depth value (74.9mm for 90%ile and 55.8mm for 85%ile over a 5 day period) for the corresponding discharge point (excluding Type B basins); and
 - the sediment basins and other erosion and sediment controls (excluding Type B basins) corresponding to the discharge point(s) have been designed, constructed, operated and maintained in accordance with condition O5.3 of this licence, and
 - all sediment basins, and other erosion and sediment controls, be operated and maintained in a manner that prevents water pollution
- L2.6 If the licensee uses turbidity (e.g. NTU) in place of TSS to determine compliance with Condition L2.4, the licensee must:
- develop a site-specific statistical correlation that identifies the relationship between turbidity and TSS for water quality from the discharge points;
 - provide the EPA with a copy of a robust statistical correlation assessment methodology and results for approval before using turbidity in place of TSS;
 - develop and implement a method to enable the ongoing verification of the relationship between turbidity and TSS; and
 - provide the EPA with any amendments the licensee makes to the statistical correlation as a result of the ongoing verification required by this condition before using the revised statistical correlation.
- L3 Waste**
- L3.1 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.
- L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the

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premises if those activities require an environment protection licence.

L4 Noise limits

- L4.1 The licensee must minimise noise and vibration impacts at residences and other sensitive land uses. To meet the requirements of this condition the licensee must:
- implement the guidance in the Interim Construction Noise Guideline (DEC, 2009) and the Assessing Vibration: a technical guideline (DEC, 2006);
 - implement all reasonable and feasible measures to minimise noise impacts in accordance with the Interim Construction Noise Guideline (DEC, 2009); and
 - implement vibration mitigation in accordance with the Assessing Vibration: a Technical Guideline (DEC, 2006).
- In this condition, 'reasonable' and 'feasible', in relation to noise management, have the same meaning as defined in the Interim Construction Noise Guideline (DEC, 2009).
- L4.2 When construction activities include 'High Noise Impact Activities and Works' as defined in the special dictionary in this licence, quantitative construction noise assessments must apply a +5dB correction to the measured or predicted level of construction noise at the nearest Noise Sensitive Receiver location before assessment against the Interim Construction Noise Guideline (DECC, 2009) noise management levels.

L5 Blasting

- L5.1 When blasting operations occur at the premises, the airblast overpressure level must not exceed limits in condition E55 of the Minister of Planning's Conditions of Approval.
- L5.2 When blasting operations occur at the premises the ground vibration peak particle velocity must not exceed limits in condition E56 of the Minister of Planning's Conditions of Approval.
- L5.3 To determine compliance with condition(s) L5.1 and L5.2:
- Airblast overpressure and ground vibration levels must be measured and electronically recorded for all blasts carried out in or on the premises at location(s) representative of the most effected Noise Sensitive Receiver(s) that is not owned by the licensee or subject to a private agreement with the licensee;
 - Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006: Explosives—Storage and use Part 2: Use of explosives; and
 - Error margins associated with any monitoring equipment used to measure airblast overpressure and ground vibration levels are not to be taken into account in determining whether or not the limit has been exceeded.

L6 Hours of operation

- L6.1 Standard construction hours
- Unless permitted by another condition of this licence, works and activities must:
- only be undertaken between the hours of 7:00 am and 6:00 pm Monday to Friday;
 - only be undertaken between the hours of 8:00 am and 1:00 pm Saturday; and
 - not be undertaken on Sundays or Public Holidays.

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L6.2 Exemptions to standard construction hours for low noise impact works

Works and activities may be carried on outside of standard construction hours specified in condition L6.1 if the works and activities do not cause, when assessed at the boundary of the most affected Noise Sensitive Receiver:

- a) LAeq(15 minute) noise levels greater than 5dB above the day, evening and night Rating Background Level (RBL) as applicable;
- b) LAmax noise levels greater than 15dB above the night RBL for night works;
- c) the preferred continuous or impulsive vibration values greater than those for human exposure to vibration, set out for residences in Table 2.2 in Assessing Vibration: a technical guideline (DEC, 2006); and
- d) the preferred intermittent vibration values greater than those for human exposure to vibration, set out for residences in Table 2.4 in Assessing Vibration: a technical guideline (DEC, 2006).

For the purposes of this condition, the RBLs are those contained in an environmental assessment for the activities subject to this licence prepared under the Environmental Planning and Assessment Act 1979. Alternatively, the licensee may use another RBL determined in accordance with the Noise Policy for Industry (EPA, 2017) and provided to the EPA prior to carrying out any works or activities under this condition.

The notification requirements under condition L6.5 do not apply to this condition.

L6.3 Works outside of standard construction hours - Notification

The licensee must notify potentially affected Noise Sensitive Receivers of works outside of standard construction hours unless notification under this condition is not required as specified in another condition of this licence.

- a) The notification must:
 - i. be given not less than 5 calendar days and not more than 14 calendar days before those works are to be undertaken, unless otherwise agreed with the affected community and notified to the EPA;
 - ii. be undertaken by letterbox drop, email, text message or other targeted and equivalent method; and
 - iii. be detailed on the project website or other relevant website notified to the EPA.
- b) The notification required by this Condition must:
 - i. clearly outline the reason that the work is required to be undertaken outside the hours specified in condition L6.1;
 - ii. include a diagram that clearly identifies the location of the proposed works in relation to nearby cross streets and local landmarks;
 - iii. include details of the date, timing and relevant time restrictions that apply to the proposed works;
 - iv. clearly outline in plain English, the location, nature, scope and duration of the proposed works;
 - v. detail the expected noise impact of the works on Noise Sensitive Receivers;
 - vi. clearly state how complaints may be made and additional information obtained;
 - vii. include the number of the telephone complaints line required by condition M7.1, an after hours contact phone number specific to the works undertaken outside the hours specified in condition L6.1, and the project website address; and
 - viii. include consideration of culturally and linguistically diverse Noise Sensitive Receivers where required.

L6.4 The licensee may also undertake critical out-of-hours works where:

- a) There is a demonstrated technical justification that the works outside of the standard construction hours are necessary for the completion of the works; and
- b) All reasonable measures have been undertaken to consult with any affected sensitive receptors prior to each

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occasion that out-of hours works are proposed under this condition; and
 c) Consultation has been undertaken with the relevant parties including the EPA, Transport for NSW, DPE and Council as outlined in an approved Construction Noise and Vibration Management Plan; and
 d) The works have been assessed and approved by the NSW Department of Planning and Environment independent Environmental Representative or Acoustic Advisor.

Any works undertaken through these provisions are to be reported in accordance with condition R4.1.

The approval process for critical out-of-hours works is described below.

The Environmental Representative (in consultation with the Acoustic Advisor) may assess and approve works as low risk in accordance with one of the following requirements:

- 1) Out of Hours Works assessed to meet the perception classification of Noticeable (RBL +5-10 dba), OR
- 2) Out of Hours Works assessed to meet the perception classification of Clearly Audible (RBL +10-20dba) at any one residential receiver for a maximum of:
 - i. Two consecutive nights, in a calendar week
 - ii. Three consecutive evenings in a calendar week
 - iii. A maximum of 10 evenings or nights in a calendar month.

The effect of the above facilitates two nights in a row and at least one period off before the third period that week.

Where critical out-of-hours works have been approved by the Environmental Representative as low risk, notification to EPA of the critical out-of-hours works is required prior to them being undertaken. Low risk out-of-hours works are to be monitored using appropriate equipment to provide evidence of the assessed perception classification.

Out of Hours Works that do not meet the low risk requirements stated above are considered to be high risk and applications for such works are to be submitted to EPA for approval with the assessment conducted by the Environmental Representative. High risk out-of-hours works include scenarios where the low risk duration limitations cannot be achieved, or where noise impacts are predicted to be Moderately Intrusive (RBL + 20-30dBa) or Highly Intrusive (>RBL+30dba).

L6.5 Exemptions to standard construction hours in exceptional circumstances

- a) The licensee may undertake works and activities outside of standard construction hours specified in condition L6.1 for:
 - i. emergency works required to avoid the loss of life or property, or to prevent material harm to the environment; or
 - ii. the delivery of oversized plant, structures or materials determined by the police or other authorised authorities to require special arrangements to transport along public roads; or
 - iii. the Transport for NSW Transport Management Centre (or other road authority) refuse to issue a road occupancy licence for work during the hours specified in Condition L6.1; or
 - iv) a rail network operator requires a rail possession (involving week night and/or weekend rail shutdown) for the works or activities to be performed; or
 - v) a public utility provider (i.e. electricity, gas, water, sewer or telecommunications) refuse to allow work on an existing service during the hours specified in Condition L6.1.
- b) The licensee must, on becoming aware of the need to undertake emergency works under this condition notify the EPA's Environment Line as soon as practicable and submit a report to the EPA by 4:00 pm on the next business day after the emergency works commenced that describes:
 - i. the cause, time and duration of the emergency;

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- ii. action taken by or on behalf of the licensee in relation to the emergency; and
- iii. details of any measures taken or proposed to be taken by the licensee to prevent or mitigate against a recurrence of the emergency.

For the purposes of this condition, 'material harm to the environment' has the same meaning as in section 147 of the POEO Act.

Emergency works do not require a notification under condition L6.5.

L6.6 Blasting hours

Unless otherwise specified by another condition of this license, blasting operations at the premises may only take place between the operating hours in the table below:

Day	Time
Monday to Friday	9:00am to 5:00pm
Saturday	9:00am to 1:00pm
Sunday or Public Holidays	NIL

Note: Where compelling safety reasons exist, the EPA may permit a blast to occur outside the above hours. A prior written request for approval of any such blast must be made to the EPA and be supported with justification to the satisfaction of the EPA.

L6.7 High Noise Impact Activities and Works

Unless permitted by another condition of this licence, any High Noise Impact Activities and Works that exceed the applicable Noise Management Level (NML) at a Noise Sensitive Receiver must only be undertaken:

- a) between 8:00 am and 6:00 pm Monday to Friday;
- b) between 8:00 am and 1:00 pm Saturday; and
- c) if high noise impact works are to be conducted continuously and the location of the works means that it is likely to impact the same receivers, then the works must be conducted in continuous blocks of no more than 3 hours, with at least a 1-hour respite between each block of continuous high noise impact work; except as expressly permitted by another condition of this licence.

Note: For the purposes of this condition 'continuous' includes any period where there is a less than 1-hour respite between ceasing and recommencing of any work that is subject to this condition.

L6.8 Exemptions to standard constructions hours for tunnelling and blasting, and associated works, are to be in line with Minister of Planning's Conditions of Approval.

L7 Potentially offensive odour

L7.1 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.

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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 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.

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.

O2.2 All erosion and sediment control measures installed on the premises are considered as 'plant and equipment' for the purpose of complying with condition O2.1 of this licence.

O2.3 All erosion and sediment controls (including basins) on the premises must be designed and maintained in line with Minister of Planning's Conditions of Approval.

O3 Dust

O3.1 All activities occurring at the premises must be carried out in a manner that will minimise the generation and prevent the emission of air pollution from the premises as much as is reasonably practicable.

O3.2 The premises must be maintained in a condition which minimises the generation and prevents the emission of air pollution from the premises as much as is reasonably practicable.

O3.3 The licensee must implement all reasonable and feasible measures to demonstrate compliance with condition O3.1 and O3.2.

O3.4 Trucks leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

Note: Deposited dust levels are assessed against the criteria identified in The Approved Methods for the Modelling and Assessment of Air Pollutants in NSW published by the NSW EPA 2022.

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O4 Emergency response

- O4.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. Details of the requirements can be found on the EPA website via the following link
<https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/pollution-incident-response-management-plans>

O5 Processes and management

- O5.1 All works must be carried out in accordance with the "Interim Construction Noise Guideline", DECC July 2009 to minimise the emission of noise and vibration from the premises.
- O5.2 The licensee must implement all feasible and reasonable erosion and sediment controls as may be necessary throughout the life of works and activities to minimise sediment leaving the premises.
- O5.3 The licensee must ensure erosion and sediment controls are designed, constructed, operated and maintained consistent with the principle and practices of industry best practice, including:
- Managing Urban Stormwater – Soils and Construction, Volume 2D, Main Road Construction (DECC, 2008)*, to be read and used in conjunction with *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition (Landcom, 2004)*;
 - Best Practice Erosion and Sediment Control (IECA 2008)*; and
 - other industry best practice documents if it can demonstrate the guidance will provide improved or equivalent outcomes for the environment and meet the requirements of condition L1.1 of this licence.

Note: Type D sediment basins must be planned, designed (stability, location, type and size), constructed, operated and maintained in accordance with the guideline "*Managing Urban Stormwater – Soils and Construction, Volume 2D, Main road construction*" (DECC 2008), to be read and used in conjunction with volume 1 "*Managing urban stormwater: soils and construction*" (Landcom 2006) and "*Best Practice Erosion and Sediment Control, Appendix B – Sediment basin design and operation*" (IECA 2018).
 Type B sediment basins must be planned, designed (stability, location, type and size), constructed, operated and maintained in accordance with the guideline "*Best Practice Erosion and Sediment Control, Appendix B – Sediment basin design and operation*" (IECA 2018).

- O5.4 Unless otherwise approved in writing by the EPA, where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.

Note: This condition does not apply to those works associated with the actual installation of sediment basins or associated drainage.

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- O5.5 All erosion and sediment control measures installed on the premises must be inspected and works undertaken to repair and/or maintain these controls:
- weekly during normal construction hours outlined in Condition L6.1;
 - daily during periods of rainfall; and
 - within 24 hours of the cessation of a rainfall event causing runoff to occur on or from the premises.
- The licensee must record all such inspections including observations and works undertaken to repair and/or maintain erosion and sediment controls.
- O5.6 The licensee must:
- ensure the design storage capacity of any Type D sediment basin installed on the premises is reinstated within the design management period following the cessation of a rainfall event that causes runoff to occur on or from the premises; and
 - keep records of the available water and sediment storage capacities in each sediment basin and provide to an authorised officer upon request.
- O5.7 The licensee must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:
- the clear identification of each sediment basin and discharge point;
 - the collection of representative samples of the water discharged from the sediment basin(s); and
 - access to the sampling point(s) at all times by an authorised officer of the EPA.
- O5.8 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.
- O5.9 The licensee must ensure:
- all vehicular access points to the premises are designed, constructed, maintained and stabilised to minimise vehicles tracking material onto public roads and roads outside the premises as much as is reasonable and feasible;
 - vehicle, motorised plant and equipment movements onto or off the premises minimise the deposition of any material onto the surface or roads outside of the premises;
 - mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer, motorised plant and equipment leaving the premises, is removed to the greatest extent practicable before it leaves the premises; and
 - road surfaces subject to any tracking of material by vehicles leaving the premises must be cleaned as required to ensure compliance with a) and b) of this condition and condition L1.1 of this licence.

O6 Waste management

- O6.1 The licensee must prepare and provide to the EPA a Construction Waste and Resource Management Plan (WRMP), in accordance with the Minister of Planning's Conditions of approval, for each stage of the project or where due to project variables the WRMP requires updating. The WRMP must be provided prior to the commencement of each stage of the project and include (at a minimum):
- the waste types and likely or estimated quantities for each waste type to be generated on the premises;
 - details of the proposed sampling, testing and other methods to be used to characterise and classify waste to be generated on the premises for waste management and transport purposes;
 - anticipated or known waste classification and characterisation of waste in accordance with the Waste Classification Guidelines Part 1: Classifying waste (EPA, 2014);
 - details of how and where the waste is anticipated to be reused, recycled, stored or disposed of;

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- e) the proposed location(s) for all waste anticipated to be stored at the premises;
- f) the proposed methods and frequencies for conducting compliance checks under condition O6.4; and
- g) the licensee must consider the guidance in Construction and demolition waste: a management toolkit (EPA, 2019) when preparing and implementing the WRMP.

- O6.2** The licensee must keep detailed records of waste generated, received or removed from the premises that includes (at a minimum):
- a) details of all waste transporters and the addresses and facility/business names of destination location(s) for all waste generated and transported off the premises for any purpose (including recycling, reuse, processing, treatment and disposal);
 - b) documented evidence (such as a licence) from each place of disposal that they can lawfully receive and manage (store, process, reuse, dispose) the types of waste proposed to be transported there;
 - c) the location(s) for all waste stored at the premises;
 - d) details of all waste received on the premises or transported off the premises that is subject to a Resource Recovery Order and/or Exemption under the Protection of the Environment Operations (Waste) Regulation 2014, and demonstration that the waste meets the requirements of the Order and/or Exemption;
 - e) legible copies of all documents/records evidencing that all waste transported from the premises was taken to and received at a facility/premises that lawfully accept and process the waste as intended;
 - f) keep legible copies of any waste tracking documentation required for the offsite transport of the waste to demonstrate the waste was tracked in accordance with NSW legislation;
 - g) comparisons showing the proposed waste quantities and waste types documented in the WRMP against the actual waste quantities and waste types; and
 - h) comparisons showing intended reuse, recycling or disposal locations documented in the WRMP against actual reuse, recycling and disposal locations.
- O6.3** The WRMP, in accordance with the Ministers conditions of approval, must be implemented for the duration of licensed activities, and a copy of the current WRMP, historic versions of the WRMP and all records required by condition O6.2 must be kept on the premises for the duration of the licence and provided to an EPA officer upon request.
- O6.4** The licensee must conduct compliance checks pursuant to the compliance check frequencies provided in the WRMP. The compliance checks must be conducted while licenced waste activities are being undertaken to ensure that all waste is being managed, transported, reused, recycled or disposed in a lawful manner. The compliance checks must take the form of one or more of the following:
- a) desktop investigations, such as:
 - i. contacting reuse, recycling or disposal facilities directly;
 - ii. reviewing waste disposal docket and waste transport tracking documentation and requirements;
 - iii. reviewing waste characterisation and classification information;
 - iv. reviewing exemption requirements against particular loads of waste;
 - v. reviewing environment protection licences, authorisations or approvals of facilities that receive waste generated by the project); or
 - b) site inspections to non-licenced reuse, recycling or disposal locations; or
 - c) any other method agreed in writing by the EPA.
- All compliance checks conducted under this condition must be recorded and provided to an authorised officer upon request.
- O6.5** The licensee must not cause, permit or allow any waste generated outside the licensed premises to be

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received at the licensed premises, except:

- a) virgin excavated natural material;
- b) as expressly permitted by a condition of this licence; or
- c) a resource recovery order and/or resource recovery exemption under the Protection of the Environment Operations (Waste) Regulation 2014.

O7 Other operating conditions

- O7.1 All liquid chemicals, fuels and oils must be stored in containers inside suitable bund(s).
- O7.2 The licensee must ensure that the bund(s) are designed, constructed and maintained in accordance with the information on the EPA website relating to Bunding and Spill Management available at the following location <https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/compliance-audit-program/chemical-storage-handling-and-spill-management>

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.
- 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.
- 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.

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:

- M2.2 Air Monitoring Requirements

POINT 1

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Pollutant	Units of measure	Frequency	Sampling Method
Solid Particles	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003

M2.3 Water and/ or Land Monitoring Requirements

POINT 1,2

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium (dissolved)	milligrams per litre	Special Frequency 3	Grab sample
Conductivity	millisiemens per centimetre	Special Frequency 3	Probe
Iron (dissolved)	milligrams per litre	Special Frequency 3	Grab sample

POINT 1,2,3

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	Visible	Special Frequency 1	Visual Inspection
pH	pH	Special Frequency 1	Probe
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

POINT 3

Pollutant	Units of measure	Frequency	Sampling Method
Arsenic	milligrams per litre	Special Frequency 1	Grab sample
Cadmium	milligrams per litre	Special Frequency 1	Grab sample
Chromium (hexavalent)	milligrams per litre	Special Frequency 1	Grab sample
Chromium (trivalent)	milligrams per litre	Special Frequency 1	Grab sample
Copper	milligrams per litre	Special Frequency 1	Grab sample
Iron (dissolved)	milligrams per litre	Special Frequency 1	Grab sample
Lead	milligrams per litre	Special Frequency 1	Grab sample
Manganese	milligrams per litre	Special Frequency 1	Grab sample
Mercury	milligrams per litre	Special Frequency 1	Grab sample
Nickel	milligrams per litre	Special Frequency 1	Grab sample
Zinc	milligrams per litre	Special Frequency 1	Grab sample

POINT 4

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium (dissolved)	milligrams per litre	Special Frequency 2	Grab sample
Conductivity	millisiemens per centimetre	Special Frequency 2	Probe

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Iron (dissolved)	milligrams per litre	Special Frequency 2	Grab sample
Oil and Grease	Visible	Special Frequency 2	Visual Inspection
pH	pH	Special Frequency 2	Probe
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample

- M2.4** For the purposes of Condition M2.2 and the Table thereto, 'Special Frequency 1' means:
- less than 24 hours prior to a controlled discharge and daily for any continued controlled discharge, when it is safe to do so; and
 - when rainfall causes a discharge from a sediment basin which has not been emptied within the design management period following cessation of a rainfall event, when it is safe to do so.

For the purposes of Condition M2.2 and the Table thereto, 'Special Frequency 2' means:

- within 24 hours following 25mm of rainfall within a day, AND
- within 24 hours following 74.9mm of rainfall within a 5 day period

For the purposes of Condition M2.2 and the Table thereto, 'Special Frequency 3' means:

- only following the dosing of any water, monitored at this point, with Aluminium based flocculant; and
- less than 24 hours prior to a controlled discharge and daily for any continued controlled discharge, when it is safe to do so; and
- when rainfall causes a discharge from a sediment basin which has not been emptied within the design management period following cessation of a rainfall event, when it is safe to do so

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:
- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
 - 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
 - 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 2021 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".

- M3.2** Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4 Environmental monitoring

- M4.1** All noise and vibration monitoring for the purposes of determining compliance with the conditions of this

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licence must be undertaken by the licensee.

- M4.2** All noise monitoring for the purposes of determining compliance with the conditions of this licence must consider and be generally undertaken in accordance with;
- (a) Australian Standard AS 1055: 2018 Acoustics - Description and measurement of environmental noise; and
 - (b) the compliance monitoring guidance provided in the chapter 7 'Monitoring Performance' of the Noise Policy for Industry (EPA, 2017).
- M4.3** All vibration monitoring must be:
- a) undertaken in accordance with the technical guidance provided in the Assessing Vibration: a technical guideline (DEC, 2006); and
 - b) assessed and reported against the acceptable and maximum values of human exposure to vibration set out in Tables 2.2 and 2.4 of this guideline.
- M4.4** The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA. Where the monitoring is requested to take place on private land (for example a residential property) the licensee must request permission to access the premises in advance and keep a record of permission requests and responses. If a licensee is unable to obtain permission, the licensee must undertake the monitoring at an indicative location where possible and they must provide the response (including any nil response) to the EPA.

M5 Weather monitoring

- M5.1** The licensee must monitor and record temperature, wind direction, wind velocity and rainfall at either the project weather station. Monitoring must:
- a) be representative of the premises;
 - b) commence prior to any works that may cause sediment to leave the premises; and
 - c) continue to be operated until soil disturbance activities cease at the premises and the site has been stabilised.
- The rainfall monitoring data collected in compliance with this condition can be used to determine compliance with condition L1.1.

M6 Recording of pollution complaints

- M6.1** 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.
- M6.2** The record must include details of the following:
- a) the date and time of the complaint;
 - b) the method by which the complaint was made;
 - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the

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complainant; and

f) if no action was taken by the licensee, the reasons why no action was taken.

M6.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M6.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M7 Telephone complaints line

M7.1 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.

M7.2 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.

M7.3 The preceding two conditions do not apply until 21.3.2023 the date of the issue of this licence.

M7.4 The licensee must ensure that the community complaints line and community notification required by conditions M7.1, M7.2 and M7.5 is undertaken at least 14 calendar days prior to commencement of licensed activities.

M7.5 For the purposes of condition M7.1, the telephone complaints line may be operated by a third-party provider. The licensee must have staff available to respond to complaints during hours when works are occurring.

M7.6 Unless otherwise undertaken by the project proponent, the licensee must undertake the following community notification activities:

a) include on the project website or other relevant website information on:

- i. the nature, location and estimated construction time of the works;
- ii. what works are expected to exceed Interim Construction Noise Guideline (DECC, 2009) noise management levels and the noise control measures to be implemented;
- iii. how members of the public can make a complaint on the telephone complaints line and online;
- iv. the after hours contact telephone number for any out of hours works permitted by this licence; and
- v. how the complaints will be processed;

b) public notices in local newspapers, including community language newspapers including the information required by part a) of this condition;

c) clear signage at the boundary of each worksite that contains both the telephone complaints line number and the project website details;

d) ongoing additional community notification must be undertaken if:

- i. new sensitive receivers are affected by noise, vibration or other construction impacts; or
- ii. the details notified to the community in accordance with this condition materially change.

M7.7 Noise and Vibration Complaints

a) the licensee must commence investigation of noise and vibration complaints:

- i. within two hours of the complaint being made; or
- ii. in accordance with any documented complaint management agreement between the licensee and the complainant.

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- b) the licensee must offer to the complainant to undertake attended noise or vibration monitoring at their premises if:
- i. any investigation referred to in this condition identifies works or activities being undertaken on the licensed premises as the likely source of the complaint; and
 - ii. the licensee is not in possession of noise monitoring data representative of the complainants location and of the subject works and activities being undertaken on the licensed premises.
- c) if the occupant of the dwelling or management personnel of a Noise Sensitive Receiver (other than a dwelling) accepts the offer of attended noise or vibration monitoring the licensee must undertake that attended monitoring:
- i. as soon as practicable; or
 - ii. at a time agreed with the complainant.
- d) The licensee must, in respect of each complaint made, advise each complainant of the results of its investigation of their complaint and any proposed remedial action within a reasonable period of time.

M7.8 In response to any complaint referred by the EPA to the licensee, the licensee must respond to the referred complaint in a manner and timeframe specified by the EPA.

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.

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.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- 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.



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Note: An application to transfer a licence must be made in the approved form for this purpose.

- 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:
- in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - in relation to the revocation of the licence - the date from which notice revoking the licence operates.
- 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').
- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- the licence holder; or
 - by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

- R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

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.

- 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.

R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- where this licence applies to premises, an event has occurred at the premises; or
 - 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.
- 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.
- R3.3 The request may require a report which includes any or all of the following information:
- the cause, time and duration of the event;
 - the type, volume and concentration of every pollutant discharged as a result of the event;

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- 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.

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.

R4 Other reporting conditions

R4.1 Daily Complaints Reports

- a) The licensee must submit by 4:00 pm each business day a report to the EPA that provides details of all complaints relating to activities regulated by this licence received on the telephone complaints line required by Condition M7.1 or through any other means.
- b) The report must be:
 - i. provided in a format approved in writing by the EPA;
 - ii. submitted to the email address nominated by the EPA; and
 - iii. include the complaints received in the previous 24 hours to 12pm;
- c) The licensee is not required to submit a report:
 - i. for any reporting period during which no complaints have been received;
 - ii. that would otherwise be required to be submitted on a Saturday, Sunday or public holiday. It must instead be submitted not later than 4:00pm on the next business day.

R4.2 Noise and Vibration Reports

- a) Upon request of an authorised officer, the licensee must submit a Preliminary Investigation Report to the EPA in respect of any noise or vibration monitoring undertaken in accordance with the requirements of Condition M4.4.
- b) The Preliminary Investigation Report must be submitted to the EPA by 4:00 pm on the afternoon of the next working day following any noise or vibration monitoring or other time as agreed in writing by EPA.
- c) The Preliminary Investigation Report must include:
 - i. numerical and/or graphical representation of the noise and vibration monitoring results including both ambient noise levels and the level of noise from activities on the premises only; and
 - ii. the noise levels reported using the following noise descriptors: LAeq,T; LAF90,T; and LAFmax,T (T representing the 15 minute measurement period unless an alternative period is justified); and
 - iii. an assessment of measured construction noise and vibration levels against noise limits or noise management levels specified in this licence, requirements in the project specific Construction Noise and Vibration Plan and/or Impact Statement prepared the activities, relevant noise modelling and any relevant noise guidelines.

R4.3 In the event of any exceedance of the Best Achievable Noise Performance Objectives identified in the project specific Construction Noise and Vibration Plan and/or Impact Statement ("the plans") prepared for the activities, the licensee must:

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- a) investigate the cause of the exceedance and identify whether all feasible and reasonable noise and vibration mitigation measures identified in the plans have been effectively deployed;
- b) identify any noise and vibration measures recommended in the plans that were not effectively deployed;
- c) assess appropriate remedial actions to seek to achieve the best achievable noise performance objectives;
- d) submit a Follow-Up Investigation Report to the EPA within 5 business days (unless agreed in writing by the EPA) of any noise or vibration monitoring having been undertaken that detected the exceedance; and
- e) include the following information in the Follow-Up Investigation Report:
 - i. confirmation of whether noise monitoring has been undertaken in accordance with AS1055:2018 and the compliance monitoring guidance provided in the Interim Construction Noise Guideline (DECC, 2009);
 - ii. confirmation of whether vibration monitoring has been undertaken in accordance with the guidance provided in Assessing Vibration: a technical guideline (DEC, 2006);
 - iii. details of the prevailing meteorological conditions during the period when the monitoring was undertaken;
 - iv. a map of each noise and vibration monitoring location in relation to the noise source, including relevant distances;
 - v. numerical and graphical representation of the noise and vibration monitoring results;
 - vi. an analysis of the noise and vibration monitoring results;
 - vii. details of any remedial action taken in relation to the matter; and
 - viii. in cases not the subject of remedial action, detailed justification of the decision not to undertake remedial action.

- R4.4 The licensee must record all inspections of erosion and sediment control measures installed on the premises, including observations and works undertaken to repair and maintain these measures, and provide these records to an authorised officer upon request.

7 General Conditions

G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.

Note: The requirements outlined in this condition only come into force when works and activities commence at the licensed premises.

- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

G2 Contact number for incidents and responsible employees

- G2.1 The licensee must provide the EPA with, and maintain, up to date contact details to enable the EPA:
- a) To contact either the licensee or a representative of the licensee who can respond at all times to incidents relating to the premises, and
 - b) To contact the licensee's senior employees or agents authorised at all times to;
 - i. speak on behalf of the licensee, and
 - ii. provide any information or document required under licence.

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G2.2 The contact details required by condition G2.1 above must include:

- a) the full name and title of the authorised representatives and the scope of their respective authorisations; and
- b) the direct telephone number, mobile number, email address and postal address for contacting each authorised representative.

G3 Other general conditions

G3.1 Environmental Induction

- a) The licensee must ensure all personnel and contractors involved in undertaking any activity subject to this licence that has the potential to impact Noise Sensitive Receivers have received environmental induction training relevant to their role prior to undertaking that activity; and
- b) The induction training must:
 - i. clearly identify the location of all noise sensitive receivers likely to be affected by noise or vibration generated during the course of the work undertaken by those personnel; and
 - ii. highlight the licence requirements to minimise noise and vibration impacts on Noise Sensitive Receivers.

8 Special Conditions

E1 Community Agreements

E1.1 Work outside standard construction hours - community consultation and agreement

The licensee may work outside standard construction hours (as defined in L6.1) in circumstances other than those permitted under conditions L6.3, L6.4, L6.7 or any other condition of this licence if the Licensee:

- a) undertakes community consultation and agreement as described in E1.2;
- b) submits to the EPA a written request to work outside the standard construction hours attaching information set out in E1.3; and
- c) obtains approval by the EPA to work outside standard construction hours. The EPA may, in exercising its discretion to approve the works outside standard construction hours, review whether the licensee has obtained community agreement. Specifically, whether a substantial majority of the individual Noise Sensitive Receivers who together comprise the Community Affected Catchments and were contacted has consented to the planned works out of standard hours.

E1.2 Requirements for community consultation and agreement

Any community consultation and agreement undertaken with respect to the proposed out of hours works (OOHW) must:

- a) be prepared and implemented in accordance with the Interim Construction Noise Guidelines (DEC 2009), the Noise Policy for Industry (EPA, 2017) and AS2436-2010: Guide to noise and vibration control on construction, demolition and maintenance sites;
- b) include consultation of all noise sensitive receivers within the Community Affected Catchments. This includes Noise Sensitive Receivers that have declined to participate in previous agreements unless a community member has explicitly requested not to be involved in any future consultation about future OOHW;
- c) ensure that the noise sensitive receivers understand the nature of the works and any predicted impacts, including that consideration is made of additional requirements relevant to the needs of culturally and linguistically diverse Noise Sensitive Receivers, and include details for interpreting services for languages other than English where required.

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- d) include in the community consultations with Noise Sensitive Receivers the following information:
- i. the actual works proposed;
 - ii. any expected impacts in clear, plain English based on noise modelling;
 - iii. the expected duration of the works;
 - iv. any expected benefits for receivers;
 - v. any other known concurrent OOHW that will be occurring; and
 - vi. any other OOHW that will be occurring on the nights preceding and following the proposed works or, if the proposed work precedes or follows a weekend period, any other OOHW that will be occurring on the weekend.
- e) request consent from the Noise Sensitive Receiver for their responses to be provided to the EPA;
- f) ensure that a record is kept when a licensee is unable to contact a noise sensitive receiver after three attempts, including leaving "sorry I missed you" cards explaining the reason for the visit and requesting a return phone call; and
- g) demonstrate, where the OOHW is predicted to go on longer than 28 calendar days, that the licensee has consulted the community in relation to re-engagement periods for the purpose of determining agreement from the community is maintained and continuing.
- Detailed records are to be maintained by the licensee of all community consultations, including attempts to contact Noise Sensitive Receivers, and must be maintained for the duration of the licence;
- Any Noise Sensitive Receiver who requests a copy of the record of conversations must be supplied with one.

E1.3 The licensee must report to the EPA the community consultation and agreement process that was undertaken with the Community Affected Catchments.

This report to the EPA must be:

- a) prepared in writing;
- b) detail the steps taken to fulfil the requirements of condition E1.2;
- c) demonstrate that the Noise Sensitive Receivers understood the nature of the works and any predicted impacts, including that consideration was made of additional requirements relevant to the needs of culturally and linguistically diverse Noise Sensitive Receivers;
- d) provide the script used during the community consultation with Noise Sensitive Receivers;
- e) report community response and consent rates (including where no contact could be made) against the total community affected catchments, and must be broken down into response and consent rates based on sub-catchments that are delineated by affectation levels;
- f) include a noise validation monitoring plan as required by E2.1; and
- g) be submitted to the EPA at least 15 business days prior to any works that are the subject of the agreement being undertaken unless prior arrangements have been made with the EPA.

A copy of the report must be:

- a) kept by the licensee for the duration of this licence including on the premises, and made available to an EPA authorised officer on request; and
- b) be made available on the licensee's project website or another website approved in writing by the EPA for the duration of the OOHWs permitted under condition E1.1. (Personal details of Noise Sensitive Receivers must be omitted).

E2 Noise Validation Monitoring

E2.1 A noise validation monitoring plan must be submitted to the EPA for approval as part of the community agreement documentation prior to any OOHW occurring.

E2.2 Validation monitoring must be undertaken for any OOHW that are the approved under condition E1.1 and must:

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- a) be undertaken in accordance with the monitoring plan prepared under condition E2.1;
- b) be performed by a Competent Person;
- c) be performed on at least the first 2 occasions (day, evening, nights) where OOHW will be undertaken and are likely to impact Noise Sensitive Receivers;
- d) be performed on any other occasion (day, evening, night) where the nature of the works is likely to cause greater noise impacts than the first 2 occasions;
- e) be representative of the impacts in terms of monitoring locations, time and duration of measurements; and
- f) be recorded and provided to an EPA officer upon request.

E2.3 If validation monitoring undertaken under Condition E2.2 shows that noise levels are higher than those predicted by any noise modelling undertaken as part of the community agreement, work practices must be modified immediately so that measured noise levels do not exceed predicted levels.

Where it has been determined that works cannot be modified to achieve the predicted noise levels:

- a) the licensee must report immediately to the EPA; and
- b) after considering the circumstances EPA may withdraw its permission under E1.1.

E3 Ongoing Community Engagement and Agreement

- E3.1 a) For any approval of OOHW under E1.1 predicted to take longer than 28 calendar days to remain valid, the licensee must be able to demonstrate agreement from the community is maintained and continuing.
- b) To demonstrate agreement from the community is maintained and continuing the licensee must:
- i. engage the community to determine if a substantial majority of Noise Sensitive Receivers continue to consent to the OOHW pursuant to the re-engagement period determined under condition E1.2(d);
 - ii. provide the EPA with a report within 7 calendar days of the end of each re-engagement period summarising the community response including ongoing consent rates of the Noise Sensitive Receiver; and
- c) Where the licensee is unable to demonstrate a substantial majority of agreement from Community Affected Catchment is maintained and continuing:
- i. the licensee must report immediately to the EPA; and
 - ii. after considering the circumstances EPA may withdraw its permission under E1.1.

E4 Acquiring Material from External Sources

- E4.1 The licensee is required to ensure that material sourced from, and sent to, external premises/facilities is done so lawfully (this includes, but is not limited to;
- Material acquired from quarries
 - Material sent to waste facilities)

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Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

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TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Scott King

Environment Protection Authority

(By Delegation)

Date of this edition: 21-March-2023

End Notes

2 Licence varied by notice 1627715 issued on 23-Mar-2023