

# Environment Protection Licence

Licence - 21121

| <b>Licence Details</b> |           |
|------------------------|-----------|
| Number:                | 21121     |
| Anniversary Date:      | 23-August |

| <b>Licensee</b>             |
|-----------------------------|
| ROADS AND MARITIME SERVICES |
| 27-31 ARGYLE STREET         |
| PARRAMATTA NSW 2150         |

| <b>Premises</b>   |
|---|
| THE NORTHERN ROAD UPGRADE - STAGE 4   |
| THE NORTHERN ROAD BETWEEN MERSEY ROAD,<br>BRINGELLY AND EATON ROAD, LUDDENHAM |
| LUDDENHAM NSW 2745  |

| <b>Scheduled Activity</b> |
|---------------------------|
| Extractive activities     |
| Road construction         |

| <b>Fee Based Activity</b>      | <b>Scale</b>   |
|--------------------------------|--|
| Land-based extractive activity | > 500000-2000000 T annual capacity<br>to extract, process or store |
| Road construction              | 0-10 km of road constructed,<br>widened or re-routed               |

| <b>Region</b>               |
|-----------------------------|
| Metropolitan Infrastructure |
| Level 13, 10 Valentine Ave  |
| PARRAMATTA NSW 2150         |
| Phone: (02) 9995 5000       |
| Fax: (02) 9995 6900         |
| PO Box 668                  |
| PARRAMATTA NSW 2124         |

# Environment Protection Licence



Licence - 21121

|  |           |
|--|-----------|
| <b>INFORMATION ABOUT THIS LICENCE</b>                            | 4         |
| Dictionary   | 4         |
| Responsibilities of licensee                                     | 4         |
| Variation of licence conditions                                  | 4         |
| Duration of licence  | 4         |
| Licence review   | 4         |
| Fees and annual return to be sent to the EPA                     | 4         |
| Transfer of licence  | 5         |
| Public register and access to monitoring data                    | 5         |
| <b>1 ADMINISTRATIVE CONDITIONS</b>                               | <b>6</b>  |
| A1 What the licence authorises and regulates                     | 6         |
| A2 Premises or plant to which this licence applies               | 6         |
| A3 Other activities  | 7         |
| A4 Information supplied to the EPA                               | 7         |
| A5 Other administrative conditions                               | 7         |
| <b>2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND</b>    | <b>7</b>  |
| P1 Location of monitoring/discharge points and areas             | 7         |
| <b>3 LIMIT CONDITIONS</b>  | <b>8</b>  |
| L1 Pollution of waters   | 8         |
| L2 Concentration limits  | 8         |
| L3 Noise limits  | 9         |
| L4 Hours of operation  | 9         |
| <b>4 OPERATING CONDITIONS</b>                                    | <b>12</b> |
| O1 Activities must be carried out in a competent manner          | 12        |
| O2 Maintenance of plant and equipment                            | 12        |
| O3 Dust  | 12        |
| O4 Processes and management                                      | 12        |
| O5 Waste management  | 13        |
| <b>5 MONITORING AND RECORDING CONDITIONS</b>                     | <b>14</b> |
| M1 Monitoring records  | 14        |
| M2 Requirement to monitor concentration of pollutants discharged | 14        |
| M3 Testing methods - concentration limits                        | 15        |
| M4 Weather monitoring  | 15        |
| M5 Recording of pollution complaints                             | 15        |



# Environment Protection Licence

Licence - 21121

|                   |  |           |
|-------------------|--|-----------|
| M6                | Telephone complaints line .....                              | 16        |
| M7                | Noise monitoring .....                                       | 17        |
| <b>6</b>          | <b>REPORTING CONDITIONS</b> .....                            | <b>17</b> |
| R1                | Annual return documents .....                                | 17        |
| R2                | Notification of environmental harm .....                     | 18        |
| R3                | Written report .....   | 18        |
| R4                | Other reporting conditions .....                             | 19        |
| <b>7</b>          | <b>GENERAL CONDITIONS</b> .....                              | <b>20</b> |
| G1                | Copy of licence kept at the premises or plant .....          | 20        |
| G2                | Contact number for incidents and responsible employees ..... | 20        |
| G3                | Other general conditions .....                               | 20        |
| <b>8</b>          | <b>SPECIAL CONDITIONS</b> .....                              | <b>21</b> |
| E1                | Community Agreements .....                                   | 21        |
| E2                | Special Dictionary .....                                     | 22        |
| <b>DICTIONARY</b> | .....  | <b>24</b> |
|                   | General Dictionary .....                                     | 24        |

# Environment Protection Licence

---

Licence - 21121



## 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).

# Environment Protection Licence



Licence - 21121

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:

|                                    |
|------------------------------------|
| <b>ROADS AND MARITIME SERVICES</b> |
| <b>27-31 ARGYLE STREET</b>         |
| <b>PARRAMATTA NSW 2150</b>         |

subject to the conditions which follow.

# Environment Protection Licence



Licence - 21121

## 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   |
|-----------------------|--------------------------------|---|
| Extractive activities | Land-based extractive activity | > 500000 - 2000000 T annual capacity to extract, process or store |
| Road construction     | Road construction              | 0 - 10 km of road constructed, widened or re-routed               |

### A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

| Premises Details   |
|--|
| THE NORTHERN ROAD UPGRADE - STAGE 4  |
| THE NORTHERN ROAD BETWEEN MERSEY ROAD, BRINGELLY AND EATON ROAD, LUDDENHAM |
| LUDDENHAM  |
| NSW 2745   |

A2.2 In relation to Condition A2.1, the premises is the area shown as the 'Project Corridor' on the diagram titled "The Northern Road Upgrade Stage 4 - Scheduled Premises Map and Discharge Point Plan" held on the EPA electronic file EF18/7382.

A2.3 Premises maps are not deemed to be approved by the EPA unless confirmed in writing.

A2.4 Premises maps changes as a result of scheduled land portion handover, land portion surrenders or land portion additions are permitted to be altered through this Condition. Any proposed variations to the premises must:

- be submitted to the EPA in electronic format; and
- be a complete map set containing unique identifiers for revision number and map sheet numbers; and
- be submitted to the EPA no less than 5 business days prior to the scheduled handover, surrender or land portion addition date.

# Environment Protection Licence

Licence - 21121

- A2.5 The approved premises maps must be available for public viewing on the licensee's project website or the RMS project website no more than 3 business days after the approval of the maps by the EPA.

## A3 Other activities

- A3.1 This licence applies to all other activities carried on at the premises, including:

| Ancillary Activity  |
|---|
| Crushing and Grinding (no more than 20,000 tonnes of material per year and no more than 150 tonnes of material per day) |

## A4 Information supplied to the EPA

- A4.1 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:

- 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
- the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

## A5 Other administrative conditions

- A5.1 The requirements outlined in Conditions A2.5, and G1.1 shall only come into force when works and activities commence at the licensed premises.
- A5.2 The EPA must be notified in writing 7 calendar days prior to works and activities commencing at the licensed premises.

## 2 Discharges to Air and Water and Applications to Land

### P1 Location of monitoring/discharge points and areas

- P1.1 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

- P1.2 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.

# Environment Protection Licence

Licence - 21121



## *Water and land*

| EPA Identification no. | Type of Monitoring Point | Type of Discharge Point | Location Description  |
|------------------------|--------------------------|-------------------------|---|
| 1                      | Surface Water Discharge  | Surface Water Discharge | The outlet to sediment basins referred to in Condition P1.3 |

P1.3 The sediment basins and discharge points referred to in condition P1.2 are the active basins and discharge points identified and located in the diagram titled "Scheduled Premises Map and Discharge Point Plan", and maintained on electronic file EF18/7382.

P1.4 The licensee must notify the EPA in writing, at least 48 hours prior to a basin discharge point becoming active or inactive. The notification must include an updated Temporary Sediment Basin Discharge Point Schedule.

Note: Sediment basins are only considered active whilst accepting water directly from active construction areas.

## 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.

### L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table\ 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.

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\.

L2.4 Water and/or Land Concentration Limits



# Environment Protection Licence



Licence - 21121

## POINT 1

| Pollutant              | Units of Measure           | 50 Percentile concentration limit | 90 Percentile concentration limit | 3DGM concentration limit | 100 percentile concentration limit |
|------------------------|----------------------------|-----------------------------------|-----------------------------------|--------------------------|------------------------------------|
| Oil and Grease         | Visible                    |                                   |                                   |                          | Not Visible                        |
| pH                     | pH                         |                                   |                                   |                          | 6.5 - 8.5                          |
| Total suspended solids | milliequivalents per litre |                                   |                                   |                          | 50                                 |

- L2.5 Exceeding the limits specified in Condition L2.4 of this licence for pH and total suspended solids (TSS) for discharges from the sediment basins identified by Conditions P1.1, P1.2 and P1.3 is only permitted when the discharge occurs solely as a result of rainfall measured at the premises. The rainfall must exceed rainfall depth value for the corresponding discharge point as described in condition P1.3.
- L2.6 If the licensee uses turbidity (NTU) in place of TSS to determine compliance with Condition L2.4, the licensee must develop a statistical correlation which identifies the relationship between NTU and TSS for water quality in the sediment basin/s in order to determine the NTU equivalent of 50 mg/L TSS before its use.
- L2.7 The licensee must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.
- L2.8 The EPA may make a written request for a copy of the statistical correlation assessment and methodology to determine compliance with condition L2.4 if required.

## L3 Noise limits

- L3.1 The licensee must implement all feasible and reasonable noise and vibration abatement measures at the premises during construction work, to minimise noise and vibration impacts on nearby noise sensitive receivers. This must include, but is not limited to:
- implementing noise and vibration mitigation measures as outlined in The Northern Road Upgrade Mersey Road, Bringelly to Glenmore Parkway, Glenmore Park: NSW Environmental Impact Statement / Commonwealth Draft Environmental Impact Statement Volume 1: Main Report June 2017, and Submissions and Preferred Infrastructure Report Volume 1: Main Report December 2017; and
  - implementing further noise mitigation measures as may be necessary throughout the period of construction work to minimise exceedances of Noise Management Levels (NML's) at nearby noise sensitive receivers; and
  - consideration of the Interim Construction Noise Guidelines (DECC, 2009).

## L4 Hours of operation

# Environment Protection Licence



Licence - 21121

L4.1 Unless permitted by another condition of this licence, construction works and activities must:

- (a) only be undertaken between the hours of 0700 and 1800 Monday to Friday; and
- (b) only be undertaken between the hours of 0800 and 1300 Saturday; and
- (c) not be undertaken on Sundays or Public Holidays.

L4.2 Exemptions to standard construction hours in exceptional circumstances

(a) The licensee may undertake works outside of standard construction hours if any of the following applies:

- (i) emergency works is required to avoid the loss of lives or property, or to prevent material harm to the environment;
- (ii) the delivery of oversized plant or structures has been determined by the police or other authorised authorities to require special arrangements to transport along public roads.

(b) The licensee must, on becoming aware of the need to undertake emergency construction work under this Condition notify the EPA's Environment Line as soon as practicable and submit a report to the EPA by 2pm on the next business day after the emergency works commenced that describes:

1. the cause, time and duration of the emergency; and
2. action taken by or on behalf of the licensee in relation to the emergency; and
3. details of any measures taken or proposed to be taken by the licensee to prevent or mitigate against a recurrence of the emergency.

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

L4.3 Exemptions to standard construction hours for low noise impact works

The following works and activities may be carried out outside of the hours specified in Condition L4.1 if the works and activities do not cause, when measured 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; and
- (b) LA1(1 minute) or LAmx noise levels greater than 15dB above the night RBL for night works; and
- (c) continuous or impulsive vibration values greater than those for human exposure to vibration, set out for residences in Table 2.2 in "Environmental Noise Management - Assessing Vibration: a technical guideline" (DEC, 2006); and
- (d) intermittent vibration values greater than those for human exposure to vibration, set out for residences in Table 2.4 in "Environmental Noise Management - Assessing Vibration: a technical guideline" (DEC, 2006).

Note: For the purposes of this Condition, the RBLs are those contained in an environmental assessment for the scheduled activity 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 "NSW Noise Policy for Industry" (EPA, 2017) and provided to the EPA prior to carrying out any works or activities under this Condition.

L4.4 High Noise Impact Works

Any high noise impact works and activities must only be undertaken:

1. Between 08:00am – 06:00pm Monday to Friday;
2. Between 08:00am – 01:00pm Saturday; and

# Environment Protection Licence



Licence - 21121

3. in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers; except as expressly permitted by another Condition of this licence.

Note: For the purposes of this Condition, 'continuous' includes any period during which there is less than a 1 hour respite between ceasing and recommencing any of the work that is the subject of this Condition.

## L4.5 Community Agreements

The licensee may undertake works outside of standard construction hours if agreement between the licensee and a substantial majority of noise sensitive receivers has been reached.

Note: This Condition applies to out-of-hours works that have not been approved by another Condition of this licence.

## L4.6 Any agreement(s) between the licensee and noise sensitive receivers referred to in Condition L4.5 must be:

- (a) submitted to the EPA for approval prior to any works that are the subject of the agreement being undertaken; and
- (b) prepared in writing and a copy of the agreement(s) kept on the premises by the licensee for the duration of this licence; and
- (c) kept on the licensee's project website or the RMS project website for the duration of the agreement (personal details of residents must be omitted); and
- (d) prepared and implemented in accordance with Condition E1.

## L4.7 Works outside of standard construction hours – Notification

The licensee must notify potentially affected noise sensitive receivers of works outside of standard construction hours not less than 5 calendar days and not more than 14 calendar days before those works are to be undertaken.

a) The notification must be:

- Undertaken by letterbox drop or email; and
- Be detailed on the project website.

b) The notification required by this Condition must:

- Clearly outline the reason that the work is required to be undertaken outside the hours specified in Condition L4.1;
- Include a diagram that clearly identifies the location of the proposed works in relation to nearby cross streets and local landmarks;
- Include details of relevant time restrictions that apply to the proposed works;
- Clearly outline in plain English, the location, nature, scope and duration of the proposed works;
- Detail the expected noise impact of the works on noise sensitive receivers;
- Clearly state how complaints may be made and additional information obtained; and
- Include the number of the telephone complaints line required by condition M6.1, an after hours contact phone number specific to the works undertaken outside the hours specified in Condition L4.1, and the project website address.

# Environment Protection Licence



Licence - 21121

## 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.

### O3 Dust

O3.1 The licensee must ensure that construction work at the premises is carried on by such practicable means as may be necessary to minimise dust emissions on the premises, and implement all feasible and reasonable mitigation measures to minimise the release of dust from the premises.

O3.2 All trucks carrying dry bulk material that enter and leave the premises must:

- a) have their loads covered at all times, except during unloading and loading; and
- b) prevent spillage of any material from the load that may generate dust during truck unloading and loading events.

Note: For the purposes of this Condition, 'load' is defined as material contained within the body/trailer/bin of the truck, and on the gunnels of the truck.

### O4 Processes and management

O4.1 The licensee must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.

O4.2 The drainage from all areas that will mobilise suspended solids when stormwater runs over these areas must be controlled and diverted through appropriate erosion and sediment control measures.

O4.3 The licensee must minimise the area of the site that is able to generate suspended material when water runs over it.

O4.4 All soil erosion and sediment controls must be 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, 2004).

# Environment Protection Licence



Licence - 21121

- O4.5 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.
- O4.6 The licensee must inspect the operation of all erosion and sediment controls installed on the premises and undertake any works required to repair and/or maintain these controls:
- a) at least weekly during normal construction hours outlined in Condition L4.1;
  - b) daily during periods of rainfall that causes run-off to occur ; and
  - c) prior to any site closure of greater than 24 hours.
- O4.7 In relation to Condition O4.6, the licensee must record all such inspections, including observations and works undertaken to repair and/or maintain soil and water management works.
- O4.8 The licensee must ensure the design storage capacity of any sediment basin installed on the premises is reinstated within 5 business days of the cessation of a rainfall event that causes run-off to occur on or from the premises.
- O4.9 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:
- a) a the clear identification of each sediment basin and discharge point;
  - b) the collection of representative samples of the water discharged from the sediment basin(s); and
  - c) access to the sampling point(s) at all times by an authorised officer of the EPA.
- O4.10 Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or 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.
- O4.11 All feasible and reasonable erosion and sediment controls are to be implemented to minimise sediment (including dust) leaving the premises. These controls are to be implemented before any soil disturbance commences and maintained until disturbed areas are stabilised.

## O5 Waste management

- O5.1 The licensee must assess, classify and manage any waste generated at the premises in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste, November 2014* prior to taking the waste off the premises.
- O5.2 The licensee must not cause, permit or allow any waste generated outside the licensed premises to be received at the licensed premises for storage, treatment, processing, reprocessing, or disposal on the licensed premises, except as expressly permitted by an environment protection licence or resource recovery order and resource recovery exemption under the POEO Act, if such a licence is required in relation to that waste.
- O5.3 **Waste Management Plans**  
Waste Management Plans must be prepared for all demolition/construction/excavation works undertaken

# Environment Protection Licence



Licence - 21121

on the premises that generate waste that will be disposed offsite (not including office paper or cardboard). The plan must be completed prior to waste being transported off the premises. The plans must include the following:

- (a) Estimations of the different waste types to be generated from the proposed works; and
- (b) Estimations of how much of each waste type will be generated from the proposed works; and
- (c) List of all places (full street address) where waste will be transported to; and
- (d) Written confirmation from each place of disposal (listed in point c) that they can lawfully receive the types of waste proposed to be transported there; and
- (e) Where the place of disposal changes after the plan has been made, an amendment to the plan can be made as an addendum that includes an update points a) to d) above.

O5.4 The licensee must ensure waste management, waste transport and waste disposal is carried out in accordance with the waste management plans prepared for the premises.

O5.5 A copy of all waste management plans must be kept on the premises.

## O5.6 Waste Transport Documentation and Record Keeping

Legible copies of all receipts and/or weighbridge dockets in relation to disposal of waste from the premises must be collected from transporters and/or contractors and kept by the licensee.

## 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

# Environment Protection Licence



Licence - 21121

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 Water and/ or Land Monitoring Requirements

### POINT 1

| 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       |

- M2.3 For the purposes of Condition M2.2 and the Table thereto, 'Special Frequency 1' means:
- (a) less than 24 hours prior to a controlled discharge and daily for any continued controlled discharge; and
  - (b) when rainfall causes a discharge from a basin which has not been emptied within 5 business days of the cessation of a rainfall event.

## M3 Testing methods - concentration limits

- M3.1 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 Weather monitoring

- M4.1 The licensee must monitor hourly temperature, humidity, wind velocity and rainfall at either the project weather station, or through analysis of equivalent weather information obtained from the Australian Bureau of Meteorology.

## M5 Recording of pollution complaints

- M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- M5.2 The record must include details of the following:
- a) the date and time of the complaint;
  - b) the method by which the complaint was made;
  - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;



# Environment Protection Licence



Licence - 21121

- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 The preceding two conditions do not apply until 5 business days after the date of the issue of this licence.

### M6.4 Notification of Community Complaints Line

The licensee must ensure that the community notification required by Condition M6.2 is undertaken:

(a) by including details on the project website on:

1. how the public can make a complaint on the telephone complaints line; and
2. how complaints will be processed

(b) by clear signage at the boundary of each worksite that contains both the telephone complaints line number and the project website details.

### M6.5 Noise and Vibration Complaints

(a) The licensee must investigate 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.

(b) The licensee must ensure that any investigation referred to in this Condition that identifies works or activities being undertaken on the licensee's premises as the likely source of the complaint, includes an offer to the complainant to undertake attended noise or vibration monitoring at their 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.

### M6.6 Notifying Results of Complaint Investigation

The licensee must, in respect of each complaint made to the telephone complaints line required by Condition M6.1, advise each complainant of the results of its investigation of their complaint and any



# Environment Protection Licence



Licence - 21121

proposed remedial action.

## M7 Noise monitoring

- M7.1 All noise monitoring must be undertaken in accordance with Australian Standard AS 2659.1 – 1998: "Guide to the use of sound measuring equipment – portable sound level meters", or any revisions of that standard which may be made by Standards Australia, and the compliance monitoring guidance provided in the "NSW Noise Policy for Industry" (EPA, 2017).
- M7.2 All vibration monitoring must be undertaken in accordance with the technical guidance provided in the "Environmental Noise Management - Assessing Vibration: a technical guideline" (DEC, 2006). All vibration monitoring results may be assessed and reported against the acceptable values of human exposure to vibration set out in Tables 2.2 and 2.4 of the guideline.
- M7.3 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of 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 a copy of the form that must be completed and returned to the EPA.

- 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.

# Environment Protection Licence



Licence - 21121

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:
- 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.
- 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:
- a) the licence holder; or
  - b) 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 the incident occurred.

## R3 Written report

- 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.
- 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:
- a) the cause, time and duration of the event;

# Environment Protection Licence



Licence - 21121

- 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.

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 2:00pm each business day a report to the EPA that provides details of all complaints received in relation to construction activities regulated by the licence on the telephone complaints line required by Condition M6 or through any other means.

(b) The report must:

1. Be submitted to the email address nominated by the EPA; and
2. Include a unique identifier number for each complainant together with the details required by condition M5.2; and
3. Include date and time as reported by the complainant of the event that is the subject of the complaint; and
4. Include an outline of the work or activity that is the subject of the complaint; and
5. Include the complaints received between 12am and 12pm; and
6. If the works have been carried out under Conditions L4.2, L4.3, or L4.4 the report must include a copy of any assessments required by these Conditions unless previously provided to the EPA, and details of how the requirements of these Conditions have been met.

(c) The licensee is not required to submit a report for any reporting period during which no complaints have been received.

### R4.2 Noise and Vibration Reports

a) Upon request of an authorised officer of the EPA, 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 M6.5.

b) The Preliminary Investigation Report must be submitted to the EPA by 4.30 pm of the afternoon of the next business day following any noise or vibration monitoring.

c) The Preliminary Investigation Report must:

- (i) include numerical and/or graphical representation of the noise and vibration monitoring results; and
- (ii) highlight any detected exceedance of noise goals or limits specified in:
  - (1) this licence;

# Environment Protection Licence

---



Licence - 21121

- (2) relevant noise guidelines; and
- (3) relevant noise modelling.

## 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.
- 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 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.
- 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 that before any construction work is undertaken, all personnel involved in undertaking that work receive environmental induction training.
  - (b) The induction training must:
    - 1. 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
    - 2. Highlight the licence requirements to minimise noise and vibration impacts on noise sensitive receivers.

## 8 Special Conditions

# Environment Protection Licence



Licence - 21121

## E1 Community Agreements

### E1.1 Requirements for community agreements

Any community agreement to permit works to be undertaken outside of standard construction hours (OOHW) under Condition L4.5 must:

(a) be prepared and implemented in accordance with the relevant sections of the "Interim Construction Noise Guidelines" (DEC 2009), the "Noise Policy for Industry" (EPA, 2017) and AS2346-2010 "Guide to noise and vibration control on construction, demolition and maintenance sites";

(b) detail the following:

1. the actual works proposed;
2. any expected impacts in clear, simple English based on noise modelling;
3. the expected duration of the works;
4. any expected benefits for receivers;
5. any other concurrent OOHW that will be occurring; and
6. 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.

(c) demonstrate that the noise sensitive receivers party to the agreement understand the nature of the works and any predicted impacts; and

(d) be kept for the duration of the agreement and made available to an EPA authorised officer on request.

### E1.2 Consultation and Engagement

In relation to consulting and engaging with noise sensitive receivers for a community agreement, the following applies:

(a) all noise sensitive receivers predicted by modelling to be impacted by noise greater than 5 dB(A) above RBL must be consulted on any proposed community agreement. This includes noise sensitive receivers that have declined to participate in previous agreements; and

(b) all proposed agreements must include details for interpreting services for languages other than English where required; and

(c) if 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, then the licensee will note that the receiver could not be contacted and the receiver will not be considered to have either agreed or disagreed; and

(d) records of the attempts to contact the receiver will be kept by the licensee.

### E1.3 Agreement Thresholds

(a) The EPA will consider agreements reached between the licensee and a substantial majority of both:

1. noise sensitive receivers predicted by the licensee to be impacted by noise levels exceeding those specified in Condition L4.3(a) and L4.3(b); and
2. noise sensitive receivers predicted to by the licensee to be impacted by noise levels above a highly noise affected level of 75dB(A).

### E1.4 Community agreements attained by phone

Where a community agreement has been reached with noise sensitive receivers over the phone, the following applies:

(a) the phone script used to describe the proposed agreement (including information required under

# Environment Protection Licence



Licence - 21121

Condition E1.1(b)) is to be provided to the EPA with the community agreement for approval; and  
 (b) the script must include a clear question requesting receiver agreement to the proposal; and  
 (c) detailed records are to be maintained by the licensee of all community agreement phone conversations and must be maintained for the duration of the community agreement; and  
 (d) any noise sensitive receiver who requests a copy of the phone agreement must be supplied with one.

## E1.5 Notification

All noise sensitive receivers must be advised of any community agreement that has been attained in writing within seven days of the agreement being finalised and must:

- (a) include a website link to the project website, specifically to a summary of the approved project agreement; and
- (b) include details of the licensee's complaints line as required by Condition M6; and
- (c) include details of the EPA's Environment Line.

The notification requirements in Condition L4.6 apply to community agreements.

## E1.6 Monitoring

Validation monitoring must be undertaken for any works that are the subject of a community agreement and must:

- (a) be performed by a suitably qualified and experienced person; and
- (b) be performed on at least the first 2 nights where OOHW will be undertaken.

E1.7 If validation monitoring undertaken under Condition E1.6 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 so that measured noise levels do not exceed predicted levels.

E1.8 A validation monitoring plan must be submitted to the EPA for approval as part of the community agreement documentation prior to any OOHW occurring.

## E2 Special Dictionary

### E2.1 Special Dictionary

| Term                    | Meaning  |
|-------------------------|--|
| AS 2659                 | Means Australian Standard AS 2659.1 – 1988 : Guide to the use of sound measuring equipment – Portable sound level meters   |
| Business day            | Excludes Saturdays, Sundays, public holidays and rostered days off (RDOs)  |
| Construction work       | Includes all construction work and activities, and all construction-related work and activities, undertaken on the premises  |
| Feasible noise measures | Means actions to reduce noise levels that are capable of being put into practice or of being engineered and are practical to build given project constraints such as safety and maintenance requirements |

# Environment Protection Licence



Licence - 21121

|  |   |
|--|---|
| High noise impact activities and works | Means jack hammering, rock breaking or hammering, pile driving, vibratory rolling, cutting of pavement, concrete or steel or other work occurring on the surface that generates noise with impulsive, intermittent, tonal or low frequency characteristics  |
| Noise Management Level (NML)           | Has the same meaning as "Airborne Noise Management Levels" in the Interim Construction Noise Guideline (DECC, 2009)   |
| Noise sensitive receiver               | Land uses that are sensitive to noise, such as residential areas, churches, schools and recreation areas  |
| Operating hours                        | Means hours during which any construction-related works or activities are being undertaken, including outside of standard construction hours  |
| Out of hours works (OOHW)              | Means works and activities undertaken outside of standard construction hours  |
| Rating Background Level (RBL)          | Has the same meaning as in the Noise Policy for Industry (EPA, 2017)  |
| Reasonable noise measures              | Means those feasible noise abatement measures that are considered reasonable in the circumstances, based on a judgement that the overall noise benefits outweigh the overall adverse social economic and environmental effects, including the cost of measure. To make such a judgement, consideration is to be given to noise level impacts, noise mitigation benefits, cost effectiveness of noise mitigation and community views |
| Residence                              | A lawful and permanent structure erected in a land-use zone that permits residential use (or for which existing use rights under the EP&A Act apply) where a person/s permanently reside and is not, nor associated with, a commercial undertaking such as caretakers quarters, hotel, motel, transient holiday accommodation or caravan park   |
| Standard construction hours            | means the times specified in condition L4.1   |



# Environment Protection Licence

Licence - 21121

## Dictionary

### General Dictionary

|  |  |
|--|--|
| <b>3DGM [in relation to a concentration limit]</b> | 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 |
| <b>Act</b>   | Means the Protection of the Environment Operations Act 1997  |
| <b>activity</b>                                    | Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997  |
| <b>actual load</b>                                 | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>AM</b>  | 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> .   |
| <b>AMG</b>   | Australian Map Grid  |
| <b>anniversary date</b>                            | 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.                            |
| <b>annual return</b>                               | Is defined in R1.1   |
| <b>Approved Methods Publication</b>                | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>assessable pollutants</b>                       | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>BOD</b>   | Means biochemical oxygen demand  |
| <b>CEM</b>   | 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> .  |
| <b>COD</b>   | Means chemical oxygen demand   |
| <b>composite sample</b>                            | 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.   |
| <b>cond.</b>                                       | Means conductivity   |
| <b>environment</b>                                 | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>environment protection legislation</b>          | Has the same meaning as in the Protection of the Environment Administration Act 1991   |
| <b>EPA</b>   | Means Environment Protection Authority of New South Wales.   |
| <b>fee-based activity classification</b>           | Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.   |
| <b>general solid waste (non-putrescible)</b>       | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |



# Environment Protection Licence

Licence - 21121

|  |  |
|--|--|
| <b>flow weighted composite sample</b>                                | Means a sample whose composites are sized in proportion to the flow at each composites time of collection.   |
| <b>general solid waste (putrescible)</b>                             | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>grab sample</b>   | Means a single sample taken at a point at a single time  |
| <b>hazardous waste</b>   | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>licensee</b>  | Means the licence holder described at the front of this licence  |
| <b>load calculation protocol</b>                                     | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>local authority</b>   | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>material harm</b>   | Has the same meaning as in section 147 Protection of the Environment Operations Act 1997   |
| <b>MBAS</b>  | Means methylene blue active substances   |
| <b>Minister</b>  | Means the Minister administering the Protection of the Environment Operations Act 1997   |
| <b>mobile plant</b>  | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>motor vehicle</b>   | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>O&amp;G</b>   | Means oil and grease   |
| <b>percentile [in relation to a concentration limit of a sample]</b> | 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.   |
| <b>plant</b>   | Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.  |
| <b>pollution of waters [or water pollution]</b>                      | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>premises</b>  | Means the premises described in condition A2.1   |
| <b>public authority</b>  | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>regional office</b>   | Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence   |
| <b>reporting period</b>  | 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. |
| <b>restricted solid waste</b>  | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>scheduled activity</b>  | Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997  |
| <b>special waste</b>   | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>TM</b>  | 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> .  |

# Environment Protection Licence



Licence - 21121

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

Mr Mike Sharpin

Environment Protection Authority

(By Delegation)

Date of this edition: 23-August-2018

## End Notes