

# Environment Protection Licence

Licence - 21037

<b>Licence Details</b>	
Number:	21037
Anniversary Date:	04-May

<b>Licensee</b>
GEORGIU GROUP PTY LTD
PO BOX 6193
NORTH SYDNEY NSW 2059

<b>Premises</b>
MONA VALE ROAD EAST UPGRADE
MONA VALE ROAD BETWEEN MANOR ROAD / LANE COVE ROAD, INGLESIDE AND FOLEY STREET, MONA VALE
MONA VALE NSW 2103

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

<b>Fee Based Activity</b>	<b>Scale</b>
Land-based extractive activity	> 100000-500000 T annual capacity to extract, process or store
Road construction	0-10 km of road constructed, widened or re-routed

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



# Environment Protection Licence

Licence - 21037

<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 Information supplied to the EPA	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>7</b>
L1 Pollution of waters	7
L2 Noise limits	7
L3 Hours of operation	7
<b>4 OPERATING CONDITIONS</b>	<b>11</b>
O1 Activities must be carried out in a competent manner	11
O2 Maintenance of plant and equipment	11
O3 Dust	11
O4 Processes and management	11
<b>5 MONITORING AND RECORDING CONDITIONS</b>	<b>12</b>
M1 Monitoring records	12
M2 Weather monitoring	12
M3 Recording of pollution complaints	12
M4 Telephone complaints line	13
M5 Noise monitoring	14
<b>6 REPORTING CONDITIONS</b>	<b>14</b>
R1 Annual return documents	14
R2 Notification of environmental harm	15
R3 Written report	15

# Environment Protection Licence

Licence - 21037



R4	Other reporting conditions	16
<b>7</b>	<b>GENERAL CONDITIONS</b>	<b>17</b>
G1	Copy of licence kept at the premises or plant	17
G2	Other general conditions	18
<b>8</b>	<b>SPECIAL CONDITIONS</b>	<b>18</b>
E1	Community Agreements	18
E2	Community engagement strategy	20
E3	Special Dictionary	21
<b>DICTIONARY</b>		<b>23</b>
	General Dictionary	23

# Environment Protection Licence

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Licence - 21037



## 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 - 21037

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>GEORGIU GROUP PTY LTD</b>
<b>PO BOX 6193</b>
<b>NORTH SYDNEY NSW 2059</b>

subject to the conditions which follow.

# Environment Protection Licence

Licence - 21037

## 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	> 100000 - 500000 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
MONA VALE ROAD EAST UPGRADE
MONA VALE ROAD BETWEEN MANOR ROAD / LANE COVE ROAD, INGLESIDE AND FOLEY STREET, MONA VALE
MONA VALE
NSW 2103

A2.2 The premises is the most recently approved premises maps held on EPA electronic file EF17/12988

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:

- (a) be submitted to the EPA in electronic format; and
- (b) be a complete map set containing unique identifiers for revision number and map sheet numbers; and
- (c) 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 - 21037



## **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.

## **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.

## **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 Noise limits**

- L2.1 The licensee must implement all feasible and reasonable noise and vibration abatement measures at the premises to minimise noise and vibration impacts on noise sensitive receivers. The licensee must consider the guidance in the "Interim Construction Noise Guideline", (Department of Environment and Climate Change, 2009) when deciding on the feasible and reasonable work practices to meet this requirement.

### **L3 Hours of operation**

- L3.1 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.

# Environment Protection Licence



Licence - 21037

## L3.2 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 L3.1 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 LAm<sub>ax</sub> 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” (Department of Environment and Conservation, February 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” (Department of Environment and Conservation, February 2006).

For the purpose 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.

## L3.3 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.

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

## L3.4 High Noise Impact Works

Unless otherwise specified by another condition of this licence, the following applies in relation to high noise impact works:



# Environment Protection Licence



Licence - 21037

(a) 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.

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.

## L3.5 Community Agreement

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.

## L3.6 Any agreement(s) between the licensee and noise sensitive receivers referred to in Condition L3.5 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 for the duration of the agreement (personal details of residents must be omitted); and
- (d) prepared and implemented in accordance with Condition E1.

## L3.7 Notification of works approved outside of standard construction hours

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

(b) The notification must be:

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

(c) The notification required by paragraphs (a) and (b) of this condition must:

- clearly outline the reason that the work is required to be undertaken outside the hours specified in Condition L3.1;
- 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 M4.1, an after hours contact

# Environment Protection Licence



Licence - 21037

phone number specific to the works undertaken outside the hours specified in Condition L3.1, and the project website address.

This condition does not apply to works undertaken in accordance with Condition L3.3.

## L3.8 Works Outside of Standard Construction Hours (out of hours works)

(a) Works may be undertaken outside of standard construction hours (out of hours works) for a four week trial period with a start date agreed in writing by the EPA but only if one or more of the following applies:

- (i) carrying on those works and activities during the hours specified in Condition L3.1 would result in a high risk to construction personnel or public safety, based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2009 "Risk Management"; or
- (ii) the relevant road network operator has advised the licensee in writing that carrying out the works and activities during the hours specified in Condition L3.1 would result in a high risk to road network operational performance; or
- (iii) the relevant utility service operator has advised the licensee in writing that carrying out the works and activities during the hours specified in Condition L3.1 would result in a high risk to the operation and integrity of the utility network; or
- (iv) the TfNSW Transport Management Centre (or other road authority) have refused to issue a road occupancy licence within standard construction hours.

## L3.9 In undertaking any out of hours works under Condition L3.8 the licensee must comply with the following:

(a) Prepare a construction noise impact assessment that is to include:

- (i) a description of the proposed out of hours works,
- (ii) predictions of LAeq (15 minute) noise levels at noise sensitive receivers from these works and activities, where noise levels are predicted to be greater than those permitted under condition L3.2; and
- (ii) a monitoring plan to validate the noise predictions, based on monitoring at the boundary of representative receivers;

(b) Submit the construction noise impact assessment to the EPA at least two weeks prior to any works and activities proposed under condition L3.8 and amend the document in accordance with any EPA comments prior to these works or activities commencing

(c) Only undertake activities between the hours of 6:00 pm and 7:00 am the following day on Mondays, Tuesdays, Wednesdays, and Thursdays;

(d) Ensure that out of hours works do not result in noise levels exceeding those specified in condition L3.2 at the same noise sensitive receivers on more than:

- (i) 2 consecutive evenings or nights per week; and
- (ii) 3 nights evenings or nights per week; and
- (ii) 10 evenings or nights per month.

(d) Provide an indicative schedule of out of hours works to be carried out under condition L3.8 on the licensee's project website at least 5 days prior to any out of hours works commencing.

Notes:

- (1) Related monitoring and reporting requirements are specified in conditions M5.4 and R4.4 respectively
- (2) Following completion of the trial and review of the information contained in the Validation Report required under condition R4.4, the EPA will consider extending the out of hours works trial for a longer period.

## L3.10 For out of hours works undertaken in accordance with condition L3.8, the following applies:

(a) Alternate accommodation must be offered to residents who will be disturbed by predicted construction noise levels greater than 30dB(A) above the applicable Rating Background Level (RBL) during the periods Monday to Friday (inclusive) 8pm – 7am; and

(b) The provision of alternate accommodation must be considered for residents who do not meet the

# Environment Protection Licence

Licence - 21037



requirements of condition L3.10(a) but are impacted by construction noise levels that are greater than 15dB(A) above the applicable RBL during periods of Monday to Friday (inclusive) 8pm – 7am.

## 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 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.

### 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 2006.

O4.5 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.

# Environment Protection Licence

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Licence - 21037



## 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 Weather monitoring

- M2.1 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.

### M3 Recording of pollution complaints

- M3.1 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.
- M3.2 The record must include details of the following:
- a) the date and time of the complaint;
  - b) the method by which the complaint was made;
  - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
  - d) the nature of the complaint;
  - e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
  - f) if no action was taken by the licensee, the reasons why no action was taken.
- M3.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M3.4 The record must be produced to any authorised officer of the EPA who asks to see them.

# Environment Protection Licence

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Licence - 21037

## **M4 Telephone complaints line**

M4.1 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.

M4.2 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.

M4.3 The preceding two conditions do not apply until one week after the date of the issue of this licence.

### M4.4 Notification of Community Complaints Line

The licensee must ensure that the community notification required by condition M4.2 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.

### M4.5 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.

### M4.6 Notifying Results of Complaint Investigation

The licensee must, in respect of each complaint made to the telephone complaints line required by Condition M4.1, advise each complainant of the results of its investigation of their complaint and any proposed remedial action.

# Environment Protection Licence



Licence - 21037

## M5 Noise monitoring

- M5.1 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 Noise Policy for Industry (EPA, 2017).
- M5.2 All vibration monitoring must be undertaken in accordance with the technical guidance provided in the Environmental Noise Management Assessing Vibration: A Technical Guideline (DECC, 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.
- M5.3 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA.
- M5.4 During out of hours works undertaken in accordance with condition L3.8, noise monitoring is to be undertaken in accordance with the following:
- The construction noise impact assessment prepared under condition L3.9(a); and
  - The monitoring must be representative of noise generating activities being carried out at the site.

## 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:
- a Statement of Compliance,
  - a Monitoring and Complaints Summary,
  - a Statement of Compliance - Licence Conditions,
  - a Statement of Compliance - Load based Fee,
  - a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
  - a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
  - 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:
- 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
  - the new licensee must prepare an Annual Return for the period commencing on the date the

# Environment Protection Licence



Licence - 21037

application for the transfer of the licence is granted and ending on the last day of the reporting period.

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.

# Environment Protection Licence



Licence - 21037

- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;
  - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
  - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - g) any other relevant matters.
- 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 M4 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 M3.2; 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 L3.2, L3.3, L3.4, L3.6 or L3.7 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, 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 M4.5

(b) The Preliminary Investigation Report must be submitted to the EPA by 4:30pm on the afternoon of the



# Environment Protection Licence



Licence - 21037

next working day following any noise or vibration monitoring.

(c) The Preliminary Investigation Report must:

1. Include numerical and/or graphical representation of the noise and vibration monitoring results; and
2. Highlight any detected exceedance of noise limits or noise management levels specified in this licence, relevant noise modelling and any relevant noise guidelines.

R4.3 In the event of any exceedance of noise limits or noise management levels, the licensee must:

(a) Modify activities and implement all reasonable and feasible measures to prevent a recurrence of the exceedance; and

(b) Submit a Follow-Up Investigation Report to the EPA within 5 working days of any noise or vibration monitoring having been undertaken (unless otherwise approved by the EPA).

(c) The Follow-Up Investigation Report must include:

1. Confirmation of whether noise monitoring has been undertaken in accordance with AS2659 and the compliance monitoring guidance provided in the INP; and
2. Confirmation of whether vibration monitoring has been undertaken in accordance with the guidance provided in Assessing Vibration: a technical guideline (DEC 2006).
3. Details of the prevailing meteorological conditions during the period when the monitoring was undertaken; and
4. A map of each noise and vibration monitoring location in relation to the noise source, including relevant distances; and
5. Numerical and graphical representation of the noise and vibration monitoring results; and
6. An analysis of the noise and vibration monitoring results; and
7. Details of any remedial action taken in relation to the matter; and
8. In cases not the subject of remedial action, detailed justification of the decision not to undertake remedial action.

R4.4 Out of hours works validation report

For out of hours works permitted under Condition L3.8, a validation report must be submitted to the EPA within 2 weeks of the completion of the trial that includes the following detail:

1. A copy of the community notification required under Condition L3.7; and
2. Noise monitoring as required by condition M5.4; and
3. Details of any exceedances of noise levels predicted in the construction noise impact assessment; and
4. Details of the noise and vibration mitigation measures that were implemented during the out of hours works; and
5. A summary of community complaints received by the project during the trial period.

## 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.

# Environment Protection Licence



Licence - 21037

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

## **G2 Other general conditions**

### G2.1 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**

### **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 L3.5 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

# Environment Protection Licence



Licence - 21037

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;
- (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 during the time of day that the proposed works would be undertaken, 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 L3.2(a) and L3.2(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 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 licensees complaints line as requires by condition M4; and

# Environment Protection Licence



Licence - 21037

(c) include details of the EPAs Environment Line.

The notification requirements in Condition L3.6 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 Community engagement strategy

E2.1 A Community Engagement Strategy must be prepared to facilitate communication between the licensee and the community, including landowners and businesses, directly impacted by the licensed activities. The Strategy is to apply for the period that the licence is held for the scheduled activity.

E2.2 The Community Engagement Strategy must:

- (a) identify people or organisations to be consulted during the delivery of the project, which must include all noise sensitive receivers that are predicted to be affected by construction noise;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the licensed activities;
- (c) identify opportunities to provide accessible information regarding regularly updated site activities, schedules and milestones at each construction site;
- (d) identify opportunities for the community to visit construction sites (taking into consideration workplace health and safety requirements);
- (e) involve construction personnel engaging with the local community;
- (f) provide for the formation of issue or location-based community forums, that focus on key environmental management issues of concern to the relevant community(ies) for the licensed activity; and
- (g) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the licensee;
  - (ii) through which the licensee will respond to enquiries or feedback from the community relating to activities under this licence; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to relating to activities under this licence.

E2.3 The Community Engagement Strategy must be submitted to the EPA for approval no later than one (1) month before commencement of any works, or within another timeframe agreed to in writing by the EPA.

# Environment Protection Licence



Licence - 21037

- E2.4 Works and activities under the licence must not commence until the Community Engagement Strategy has been approved by the EPA.
- E2.5 The Community Engagement Strategy, as approved by the EPA, must be implemented for the duration of the works permitted under this licence.
- E2.6 The EPA may require in writing amendments to the Community Engagement Strategy. The Strategy is to be amended by the licensee within the timeframe specified by the EPA.

## E3 Special Dictionary

### 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)
Operating hours	means hours during which any construction-related works or activities are being undertaken, including outside of standard construction hours
Construction work	includes all construction work and activities, and all construction-related work and activities, undertaken on the premises.
Day (in relation to construction noise)	the period from 0700 and 1800 h (Monday to Saturday) and 0800 to 1800 h (Sundays and Public Holidays).
Evening	the period from 1800 to 2200 h.
Feasible Noise Abatement 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
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)
Night	the period from 2200 to 0700 h (Monday to Saturday) and 2200 to 0800 h (Sundays and Public Holidays).
Noise sensitive receiver	Land uses that are sensitive to noise, such as residential areas, churches, schools and recreation areas.
Out of hours works	means works and activities undertaken outside of standard construction hours.
Rating Background Level (RBL)	the same meaning as in the Noise Policy for Industry (EPA 2017).

# Environment Protection Licence

Licence - 21037



Reasonable noise abatement 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 L3.1.

# Environment Protection Licence

Licence - 21037

## 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 - 21037

<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 - 21037

<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: 04-May-2018

## End Notes

- 1 Licence transferred through application 1573344 approved on 18-Dec-2018 , which came into effect on 19-Dec-2018