



# Environment Protection Licence

Licence - 20631

<b>Licence Details</b>	
Number:	20631
Anniversary Date:	04-December

  

<b>Licensee</b>
TRINITY POINT MARINA PTY LIMITED
PO BOX 288
MORISSET NSW 2264

  

<b>Premises</b>
TRINITY POINT MARINA
71 TRINITY POINT DRIVE
MORISSET PARK NSW 2264

  

<b>Scheduled Activity</b>
Marinas and boat repairs

  

<b>Fee Based Activity</b>	<b>Scale</b>
Boat mooring and storage	Any annual handling capacity

  

<b>Region</b>
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## Information about this licence

### Dictionary

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

### Responsibilities of licensee

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

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

### Variation of licence conditions

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

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

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

### Duration of licence

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

### Licence review

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

### Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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

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

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

### Transfer of licence

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

### Public register and access to monitoring data

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

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

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

### This licence is issued to:

TRINITY POINT MARINA PTY LIMITED
PO BOX 288
MORISSET NSW 2264

subject to the conditions which follow.

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## 1 Administrative Conditions

### A1 What the licence authorises and regulates

- A1.1 This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2:  
construction of a marina in accordance with DA/1503/2014 dated 22 June 2015.

- A1.2 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
Marinas and boat repairs	Boat mooring and storage	Any annual handling capacity

- A1.3 The licensee must comply with the boat mooring capacities in DA/1503/2014 dated 22 June 2015.

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

- A2.1 The licence applies to the following premises:

Premises Details
TRINITY POINT MARINA
71 TRINITY POINT DRIVE
MORISSET PARK
NSW 2264
PREMISES DEFINED BY THE PLAN TITLED "EPL BOUNDARY AND WATER QUALITY SAMPLING POINTS" PREPARED BY ADW JOHNSON DWG REF 37429-EPA-001-D, DATED 30 NOV 2015 (DOC15/490269)

### A3 Other activities

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

#### Ancillary Activity

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## Underground Petroleum Storage Tank

### 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:

- 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.
- 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.

#### *Water and land*

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Ambient Water Monitoring		Ambient nearfield water quality monitoring point defined as point A on plan titled "EPL Boundary and Water Quality Sampling Points" prepared by adw Johnson dwg ref 37429-EPA-001-D, dated 30 Nov 2015 (DOC15/490269)
2	Ambient Water Monitoring		Ambient nearfield water quality monitoring point defined as point B on plan titled "EPL Boundary and Water Quality Sampling Points" prepared by adw Johnson dwg ref 37429-EPA-001-D, dated 30 Nov 2015 (DOC15/490269)

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3	Ambient Water Monitoring		Ambient far field water quality monitoring point defined as point C on plan titled "EPL Boundary and Water Quality Sampling Points" prepared by adw Johnson dwg ref 37429-EPA-001-D, dated 30 Nov 2015 (DOC15/490269)
4	Ambient Water Monitoring		Ambient far field water quality monitoring point defined as Site D on plan titled "EPL Boundary and Water Quality Sampling Points" prepared by adw Johnson dwg ref 37429-EPA-001-D, dated 30 Nov 2015 (DOC15/490269)
5	Groundwater quality monitoring		Upstream UPSS leak detection point defined as Site F on plan titled "EPL Boundary and Water Quality Sampling Points" prepared by adw Johnson dwg ref 37429-EPA-001-D, dated 30 Nov 2015 (DOC15/490269)
6	Groundwater quality monitoring		Downstream UPSS leak detection Defined as Site E on plan titled "EPL Boundary and Water Quality Sampling Points" prepared by adw Johnson dwg ref 37429-EPA-001-D, dated 30 Nov 2015 (DOC15/490269)
7	Discharge to waters Discharge quality monitoring	Discharge to waters Discharge quality monitoring	Discharge monitoring point from dewatering from construction of UPSS identified as dewatering point on plan titled "EPL Boundary and Water Quality Sampling Points" prepared by adw Johnson dwg ref 37429-EPA-001-D, dated 30 Nov 2015 (DOC15/490269)

## 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.



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- 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

## POINT 7

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
pH	pH				6.5 -8.5
Total suspended solids	milligrams per litre				50
Turbidity	nephelometric turbidity units				20

## L3 Waste

- L3.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled “Waste” and meeting the definition, if any, in the column titled “Description” in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled “Other Limits” in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Waste	Any other waste received on the premises for storage, treatment, processing, sorting or disposal and which receipt is not a scheduled activity under Schedule 1 of the Protection of the	-	

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Environment Operations  
Act 1997, as in force  
from time to time.

## L4 Noise limits

- L4.1 All works must be carried out in accordance with the Interim Construction Noise Guidelines, NSW Department of Environment and Climate Change 2009, to minimise the emission of noise and vibration from the premises.

## L5 Hours of operation

- L5.1 Unless otherwise specified by any other condition of this licence, construction work is:
- (a) restricted to between the hours of 7:00 am and 6:00 pm Monday to Friday;
  - (b) restricted to between the hours of 8:00 am and 1:00 pm Saturday; and
  - (c) not to be undertaken on Sundays or Public Holidays.
- L5.2 The licensee may undertake works outside of standard construction hours if:
- (a) the delivery of oversized plant or structures has been determined by police or other authorised authorities to require special arrangements to transport along public roads; or
  - (b) emergency work is required to avoid the loss of lives or property, or to prevent environmental harm.

### Work Generating High Noise Impact

- L5.3 Any work generating high noise impact must only be undertaken:
- a) between the hours of 8:30am and 4:30pm Monday to Friday;
  - b) between the hours of 9:00am and 1:00pm Saturdays; and
  - c) in continuous blocks of no more than 3 hours, with a least 1 hour respite between each block of work generating high noise impact, where the location of work is likely to impact the same receivers; except as expressly permitted by another condition of this licence.

For the purpose 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 subject of this condition.

Note: Work generating high noise impact includes but is not limited to jack hammering, line drilling, pile driving, rock hammering, rock breaking, concrete saw cutting, sheet piling, and any other work that generates noise with impulsive, intermittent frequency or tonal characteristics.

- L5.4 At least one week prior to starting high noise impact activity the licensee must notify sensitive receivers. The notification must include:
- a) the type of activity and the daily duration of the noise;
  - b) the timeframe that the activity will be carried on; and

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c) a contact name and phone number for complaints.

L5.5 The EPA may restrict hours of high noise activity should noise complaints in regard to that activity occur.

## **L6 Potentially offensive odour**

L6.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

## **L7 Other limit conditions**

L7.1 The licensee must not use any flocculants in land based sediment basins that contain aluminium.

## **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

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- O3.2 Where neither a concentration nor rate for emission of air impurities has been prescribed, for the purposes of Section 128 of the Act, all operations and activities occurring at the premises must be conducted in a manner that will minimise airborne impurities at the boundary of the premises.

## O4 Emergency response

- O4.1 The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The licensee must develop a Pollution Incident Response Management Plan in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations.
- O4.2 The licensee must ensure that an appropriate number of spill kits are accessible and available on the premises in order to contain, capture and clean up spills that occur on the premises and to prevent water pollution

## O5 Processes and management

- O5.1 The licensee must operate any underground petroleum storage systems (UPSS) in accordance with the Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2014.

## O6 Waste management

- O6.1 The licensee must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.

## O7 Other operating conditions

- O7.1 All above-ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.
- O7.2 The licensee must ensure all feasible and reasonable noise mitigation measures are implemented to minimise the emission of noise from the activity.
- O7.3 The licensee must ensure that all reasonable and feasible means are implemented to ensure that bilge waters and contaminated waters from moored vessels are captured, transported, stored, treated and disposed of by lawful means so as to not cause pollution of waters

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## 5 Monitoring and Recording Conditions

### M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
  - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
  - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- a) the date(s) on which the sample was taken;
  - b) the time(s) at which the sample was collected;
  - c) the point at which the sample was taken; and
  - d) the name of the person who collected the sample.

### M2 Requirement to monitor concentration of pollutants discharged

- M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:
- M2.2 Water and/ or Land Monitoring Requirements

#### POINT 1,2,3,4

Pollutant	Units of measure	Frequency	Sampling Method
Cadmium (dissolved)	micrograms per litre	Special Frequency 1	Grab sample
Chromium (dissolved)	micrograms per litre	Special Frequency 1	Grab sample
Copper (dissolved)	micrograms per litre	Special Frequency 1	Grab sample
Dissolved Oxygen	milligrams per litre	Weekly	Probe
Nitrogen (ammonia)	micrograms per litre	Special Frequency 1	Grab sample
Nitrogen (total)	micrograms per litre	Special Frequency 1	Grab sample
pH	pH	Weekly	Probe
Phosphorus (total)	micrograms per litre	Special Frequency 1	Grab sample
Tin (dissolved)	micrograms per litre	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

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Turbidity	nephelometric turbidity units	Weekly	Probe
Zinc (dissolved)	micrograms per litre	Special Frequency 1	Grab sample

## POINT 5,6

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	Visible	Monthly	Visual Inspection
TPH C10-C36 Fraction	micrograms per litre	Yearly	Grab sample
TPH C6-C9 Fraction	micrograms per litre	Yearly	Grab sample

## POINT 7

Pollutant	Units of measure	Frequency	Sampling Method
pH	pH	Daily during any discharge	Grab sample
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample
Turbidity	nephelometric turbidity units	Daily during any discharge	Grab sample

M2.3 Special Frequency 1 means sampling fortnightly for a period of three months once construction activity occurs within Lake Macquarie waters, and monthly thereafter during construction

M2.4 Monitoring under condition M2.2 at points 1,2,3 and 4 does not apply for the period of construction inactivity from 6 months from 10 August 2017. The licensee must advise the EPA in writing, 14 days prior to intention of resuming construction activities at the premises. Monitoring requirements under condition M2.2 will be required to recommence 2 weeks prior to any works at the premises.

## 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 Recording of pollution complaints

M4.1 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.

M4.2 The record must include details of the following:

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- 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.

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## M5 Telephone complaints line

- M5.1 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.
- M5.2 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.
- M5.3 The preceding two conditions do not apply until two weeks after the date of the issue of this licence.
- M5.4 The licensee must nominate a representative of the company that is available all all times and is capable of providing immediate assistance or response during emergencies or any other incidents at the premises. The name of the nominated representative and their contact details, including a telephone number, must be current at all times.

## 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.

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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.

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.



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## 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;
  - 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.

## 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.

## 8 Special Conditions

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## E1 Construction Conditions

- E1.1 The licensee must notify the EPA Manager Hunter Region in writing [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au) two weeks prior to commencing scheduled development works.
- E1.2 The licensee must construct and commission any underground petroleum storage systems (UPSS) in accordance with the Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2014.
- E1.3 The licensee must construct and commission appropriately covered and bunded fuel dispensing areas and double lined fuel transport lines in order to prevent pollution of waters.
- E1.4 The licensee must construct and commission robust and appropriately covered and bunded sewage and waste water pump out, transport, storage and disposal systems in order to prevent pollution of waters.
- E1.5 The licensee must ensure that any water from dewatering groundwater is appropriately treated and disposed of by lawful means so as not to pollute waters.
- E1.6 The licensee must ensure that disturbance of potential acid sulphate soils is minimised and if disturbed are treated appropriately on the premises and/or removed from the premises by lawful means.
- E1.7 The licensee must ensure that appropriate sediment/pollutant containment and/or mitigation devices are implemented and commissioned to ensure that any water related to construction activities does not pollute waters.
- E1.8 Any waste removed from the premises must be transported and disposed of by lawful means.
- E1.9 The licensee must construct the premises hardstand areas in order to ensure separation of clean and dirty waters. The licensee must also construct and commission appropriate capture, storage and treatment systems in order to capture, treat and dispose of waste water from these areas by lawful means.
- E1.10 If during construction, a plume of turbid water is observed to be a result of construction activities, the licensee must cease all activities and put in place appropriate mitigation measures to prevent turbidity and/or water pollution as a result of construction.

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E1.11 If during construction, a plume of turbid water is observed as a result of construction activities, the licensee must take a grab sample at Points 1,2,3 and 4 and test in accordance with weekly monitoring requirements at condition M2.2 for turbidity, total suspended solids, dissolved oxygen and pH.

Note: To remove any doubt, this means using a probe to test turbidity, dissolved oxygen and pH and a laboratory analysis for total suspended solids.

E1.12 The licensee must undertake daily visual inspection for turbidity and maintain a log of inspections. This log must:

- a) be kept on the premises;
- b) include the time and date of the inspection;
- c) include the name and work telephone number of the person who undertook the inspection;
- d) include visual details of turbidity;
- e) include any mitigation actions and additional sampling undertaken as a result of the inspection; and
- f) be provided to the EPA with the Annual Return that must also include any monitoring results required in accordance with Condition E1.11.

E1.13 The licensee must report in writing to the EPA Manager Hunter at [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au) within 24 hours of becoming aware of monitoring results at point 1 and/or point 2 that are 20% greater than monitoring results at point 3 and/or 4. The report must include:

- a) a copy of the results of monitoring points 1,2,3 and 4;
- b) the likely cause of the difference in monitoring results; and
- c) any mitigation options that the licensee undertook, if the cause of the difference in monitoring results is likely to be attributed to construction activities by the licensee.

## E2 Sediment Testing

### E2.1

The licensee must develop and implement an annual sediment sampling program at the completion of construction activity of the marina authorised by this Licence. The sediment sampling program must:

- a) be undertaken by an appropriately qualified and experienced person in accordance with EPAs approved methods;
- b) include representative sampling within the footprint of the marina area or premises to provide an adequate baseline;
- c) include sampling in adjacent, non impacted areas as controls; and
- d) include analysis of samples for total individual metals (Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Silver, Zinc, Selenium, Arsenic, Aluminium, Antimony) and also Tributyltin and Total Organic Carbon.

A sediment report that discusses the results, compares them to appropriate guidelines and control sites,

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and includes comparison with previous results from preceeding years must be prepared by an appropriately qualified and experienced person and provided to the Environment Protection Authority with the Annual Return.

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## 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

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<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> .

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<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 Hamish Rutherford

Environment Protection Authority

(By Delegation)

Date of this edition: 04-December-2015

End Notes		
2	Licence varied by notice	1540351 issued on 01-Jun-2016
3	Licence varied by notice	1558242 issued on 22-Nov-2017
4	Licence transferred through application 1591517 approved on 31-Mar-2020 , which came into effect on 07-Feb-2020	