

# Environment Protection Licence

Licence - 21147

## Licence Details

|                   |            |
|-------------------|------------|
| Number:           | 21147      |
| Anniversary Date: | 17-January |

## Licensee

LAING O'ROURKE AUSTRALIA CONSTRUCTION PTY LTD  
 LEVEL 21, 100 MOUNT STREET  
 NORTH SYDNEY NSW 2060

## Premises

SYDENHAM STATION JUNCTION  
 SYDENHAM STATION JUNCTION WORKS PROJECT SITE AT  
 SYDENHAM STATION  
 SYDENHAM NSW 2044

## Scheduled Activity

Railway systems activities

## Fee Based Activity

Railway systems activities

## Scale

Any capacity

## Contact Us

NSW EPA  
 4 Parramatta Square  
 12 Darcy Street  
 PARRAMATTA NSW 2150  
 Phone: 131 555  
 Email: [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)

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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:

|  |
|--|
| <b>LAING O'ROURKE AUSTRALIA CONSTRUCTION PTY LTD</b> |
| <b>LEVEL 21, 100 MOUNT STREET</b>                    |
| <b>NORTH SYDNEY NSW 2060</b>                         |

subject to the conditions which follow.

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## 1 Administrative Conditions

### A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

| Scheduled Activity         | Fee Based Activity         | Scale        |
|----------------------------|----------------------------|--------------|
| Railway systems activities | Railway systems activities | Any capacity |

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

A2.1 The licence applies to the following premises:

| Premises Details   |
|--|
| SYDENHAM STATION JUNCTION  |
| SYDENHAM STATION JUNCTION WORKS PROJECT SITE AT SYDENHAM STATION |
| SYDENHAM   |
| NSW 2044   |

A2.2 The premises is the most recently approved premises maps held on EPA electronic file EF18/8938.

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.

A2.5 The licensee must display the most recently approved premises maps on the project's website.

### 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,

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except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

- A3.2 Unless specifically stated by another condition of this licence, Environmental Management Plans or systems supplied to the EPA by the licensee do not form part of this licence.

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

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

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

#### *Water and land*

| EPA Identification no. | Type of Monitoring Point | Type of Discharge Point  | Location Description   |
|------------------------|--------------------------|--------------------------|--|
| 1                      | Discharge and Monitoring | Discharge and Monitoring | Eastern Channel adjacent to corridor and Sydenham Pit Up stream between (Easting 330640.51, Northing 6245668.257, MGA56, GDA94) and (Easting 330521.077, Northing 6245897.75, MGA56, GDA94). |
| 2                      | Discharge and Monitoring | Discharge and Monitoring | Pit within platform of Sydenham Station (Easting: 330504.634, Northing: 6245850.91, MGA56, GDA94)  |
| 3                      | Discharge and Monitoring | Discharge and Monitoring | Eastern Channel adjacent to Sydenham Signalling Centre (Easting: 330224.294, Northing: 6245646.956, MGA56, GDA94)  |
| 4                      | Discharge and monitoring | Discharge and monitoring | Stormwater pit in cess area. Easting: 330426.727 Northing: 6245758.670 (GDA94, MGA56)  |
| 5                      | Discharge and Monitoring | Discharge and Monitoring | Charles Street Canterbury stormwater pit. Easting: 325796.33 Northing: 6246193.798 (MGA56, GDA94)  |
| 6                      | Discharge and Monitoring | Discharge and Monitoring | Railway Corridor stormwater pit. Easting: 325721.302 Northing: 6246226.499 (MGA56, GDA94)  |



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|   |                          |                          |   |
|---|--------------------------|--------------------------|---|
| 7 | Discharge and Monitoring | Discharge and Monitoring | Nowra St, Canterbury stormwater pit. Easting: 325529.162 Northing: 6246307.054 (MGA56, GDA94)                             |
| 8 | Discharge and Monitoring | Discharge and Monitoring | Stormwater pit on kerbside gutter at South Terrace, Bankstown. (Easting: 318572.203, Northing: 6245216.438, MGA56, GDA94) |

## 3 Limit Conditions

### L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

### L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

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

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

L2.4 Water and/or Land Concentration Limits

#### POINT 1

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



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## POINT 2

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

## POINT 3

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

## POINT 4

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

## POINT 5

| Pollutant      | Units of Measure | 50 Percentile concentration limit | 90 Percentile concentration limit | 3DGM concentration limit | 100 percentile concentration limit |
|----------------|------------------|-----------------------------------|-----------------------------------|--------------------------|------------------------------------|
| Oil and Grease | Visible          |                                   |                                   |                          | Not Visible                        |
| pH             | pH               |                                   |                                   |                          | 6.5-8.5                            |

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|                        |                      |    |
|------------------------|----------------------|----|
| Total suspended solids | milligrams per litre | 50 |
|------------------------|----------------------|----|

## POINT 6

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

## POINT 7

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

## POINT 8

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

- L2.5 If the licensee uses turbidity (NTU) in place of TSS to determine compliance with Conditions L2.4 the licensee must develop a statistical correlation which identifies the relationship between NTU and TSS for water quality in the sediment basins, water treatment plants and excavations in order to determine the NTU equivalent of 50 mg/L TSS before NTU is used.

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- L2.6 The licensee must provide the EPA with a copy of the statistical assessment methodology and results before using NTU in place of TSS.
- L2.7 The licensee must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.
- L2.8 The licensee must provide the EPA with any amendments the licensee makes to the statistical correlation as a result of the ongoing verification required by Condition L2.6 before using the revised statistical correlation.

## L3 Noise limits

- L3.1 The licensee must implement all feasible and reasonable noise and vibration mitigation measures at the premises to minimise noise and vibration impacts on noise sensitive receivers to seek to achieve the Noise Management Levels in the *Interim Construction Noise Guidelines* (DECC, 2006).

## L4 Hours of operation

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

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

- L4.2 **Exemptions to standard construction hours for low noise impact works**

The following works and activities may be carried out outside of the hours specified in Condition L4.1 if the works and activities do not cause, when measured at the boundary of the most affected noise sensitive receiver:

- (a) LAeq(15 minute) noise levels greater than 5dB above the day, evening and night rating background level (RBL) as applicable; and
- (b) LA1(1 minute) or 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 Industrial Noise Policy (EPA, 2000) and provided to the EPA prior to carrying out any works or activities under this condition.

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## L4.3 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*.

## L4.4 High Noise Impact Works

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

(a) High noise impact works and activities must only be undertaken:

1. between the hours of 8:00am to 6:00pm Monday to Friday;
2. between the hours of 8:00am to 1:00pm Saturday; and
3. in continuous blocks not exceeding 3 hours each with a minimum respite from those activities and works of not less than 1 hour between each block.

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

## L4.5 Respite for receivers

The licensee must:

(a) identify all receivers likely to experience internal noise levels greater than Leq(15 minute) 60 dB(A) inclusive of a 5dB penalty, if rock breaking or any other annoying activity likely to result in regenerated (ground-borne) noise or a perceptible level of vibration is planned, between 7am to 8pm; and,

(b) consult with all receivers identified in Condition L4.5(a) with the objective of determining appropriate hours of respite so that construction noise (including ground-borne noise), does not exceed internal noise levels of:

(i) Leq(15 minute) 60dB(A) inclusive of a 5dB penalty if rock breaking or any other annoying activity likely to

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result in ground-borne noise or a perceptible level of vibration is planned between 7am to 8pm for more than 50% of the time; and,

(ii) Leq(15 minute) 55dB(A) inclusive of a 5dB penalty if rock breaking or any other annoying activity likely to result in ground-borne noise or a perceptible level of vibration is planned between 7am to 8pm for more than 25% of the time.

(c) prior to the commencement of works associated with this licence, submit to EPA a map or register of receiver locations identified in accordance with condition L4.5(a), the results of consultation with receivers in accordance with condition L4.5(b) and the proposed work practices and scheduling to provide receivers with the respite required under condition L4.6(b)(i)&(ii).

## L4.6 Works Approved Outside of Standard Construction Hours - Local Possessions

a) Works and activities may be undertaken during any local possession, but only if:

(i) carrying on those works and activities during standard construction hours (specified in Condition L4.1) would cause unacceptable risks to:

(1) construction personnel safety;

(2) rail passenger and railways personnel safety; or

(3) railway network operational reliability as may be notified to the licensee from time to time by RailCorp; and

(ii) noise and vibration mitigation measures are implemented as detailed in the *Interim Construction Noise Guideline* (DECC 2009); and

(iv) the licensee complies with Condition L4.8(b),(c),(d),(e),(f)&(g).

b) High noise impact works and activities (excluding rail adjustment, tamping and regulating) may be undertaken during any local possession permissible by Condition L4.6(a) as follows:

(i) where feasible and reasonable between the hours of 6:00am to 10:00pm on any day subject to the works and activities being undertaken in continuous blocks not exceeding 3 hours each with a minimum respite from those works and activities of not less than one hour between each block.

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 works or activities that are the subject of this condition.

c) Rail adjustment, tamping and regulating may be undertaken at any time during a local possession permissible by Condition L4.6(a).

## L4.7 Works Approved Outside of Standard Construction Hours – Local Area and Utility Works

(a) Local area and utilities works may be undertaken outside of standard construction hours specified in

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L4.1 at the premises but only if one or more of the following applies:

- (i) carrying on those works and activities during the hours specified in Condition L4.1 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 L4.1 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 L4.1 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 advised the licensee in writing that a road occupancy licence is required and will not be issued for the works or activities during the hours specified in Condition L4.1; or

L4.8 In undertaking any works or activities under Condition L4.7 the licensee must:

(a) Only undertake activities between the hours of:

1. 6:00 pm and 7:00 am the following day on Mondays, Tuesdays, Wednesdays, and Thursdays; and
2. 6:00 pm and 8:00 am the following day on Fridays.

(b) Ensure that combined works and activities undertaken under L4.6 and L4.7 do not impact the same noise sensitive receivers on more than:

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

(c) Implement reasonable and feasible noise and vibration mitigation measures as detailed in the Interim Construction Noise Guidelines (DECC 2009).

(d) Undertake noise monitoring at the boundary of the most noise affected receiver or other sensitive land uses(s) that is most representative of noise generating activities being carried out at the site; and

(e) Comply with the requirements of Condition R4.1; and

(f) Comply with the requirements of Condition R4.4; and

(g) Ensure that an indicative schedule of works undertaken in accordance with L4.6 and L4.7 is made publicly accessible on the licensee's project website; and,

(h) Ensure that high noise impact activities and works are concluded before midnight unless directly related to essential road reinstatement works.

NOTE: For the purposes of L4.8(b) "impact" is defined as noise levels that exceed the noise levels in L4.2.

L4.9 If works are undertaken by a utilities provider during a scheduled respite period identified by Condition L4.8, and those works are related to the scheduled activity permitted by this licence, the licensee must:

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- (a) where feasible, reschedule any works permissible by Condition L4.7 to provide respite to impacted noise sensitive receivers so that the minimum number of respite periods in any week can be achieved; or
- (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and
- (c) provide documentary evidence to the EPA in support of any decision made by the licensee in relation to the provision or refusal of any respite or mitigation within the validation report required by Condition R4.4.

## L4.10 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.

L4.11 Any agreement(s) between the licensee and noise sensitive receivers referred to in Condition L4.10 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

## L4.12 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 L4.1;
- include a diagram that clearly identifies the location of the proposed works in relation to nearby cross streets and local landmarks;
- include details of relevant time restrictions that apply to the proposed works;
- clearly outline, in plain English, the location, nature, scope and duration of the proposed works;
- detail the expected noise impact of the works on noise sensitive receivers;

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- 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 phone number specific to the works undertaken outside the hours specified in Condition L4.1, and the project website address.

This condition does not apply to works undertaken in accordance with Condition L4.3.

L4.13 The operation of condition L4.7 is subject to review by the EPA after the first four (4) occasions of works permitted under L4.7. The licensee must submit to EPA for information, and at least one week prior to the execution of works, the out of hours works permit or assessment prepared to assess noise impacts for each occasion of works to be executed under condition L4.7.

L4.14 Additional Approved Out of Hours Works

- (a) Works maybe undertaken 24 hours per day at Burrows Avenue Sydenham for the construction and installation of the new station canopy on a total of three nights, plus 1 contingency night provided that;
- (i) Rattle guns are not to be used between 10pm and 7am,
  - (ii) All reasonable and feasible noise and vibration mitigation measures are implemented,
  - (iii) These works do not count as evening or night work totals as per condition L4.8(i) and L4.8(ii), and
  - (iv) If the contingency night is required, the licensee must notify the EPA in writing.

L4.15 N/A

L4.16 **132kv Underbore Works**

Works associated with the 132kv underbore from Sydenham Road, Sydenham to Hogan Avenue, Sydenham may be undertaken on a maximum of 6 nights during October and November 2020 subject to the following conditions:

- (i) Works may be undertaken between 6pm to 7am;
- (ii) Works may be undertaken on a maximum of 3 consecutive nights followed by 2 consecutive nights of respite;
- (iii) High noise generating works may be undertaken during these works; and
- (iv) Works may be undertaken on an additional contingency night in the case of an emergency, poor weather conditions or operational constraints.

L4.17 **Garnet Street Under Road Crossing**

Works associated with the Garnet Street under road crossing are permitted to be undertaken on a maximum of 15 days during November 2020 and December 2020 subject to the following conditions:

- (i) Works may only be undertaken between Monday and Friday;
- (ii) Works may only be undertaken between 7am and 10pm;
- (iii) High noise generating works may be undertaken outside of normal construction hours between 6:30pm to 9:30pm; and
- (iv) Works may be undertaken on an additional contingency night in the case of an emergency, poor weather conditions or operational constraints.

L4.18 LV changeover and removal of existing street light infrastructure



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Works associated with the LV changeover and removal of existing street light infrastructure at Sydenham Station and surrounding areas are permitted to be undertaken on a maximum of one weekend and one contingency weekend between 1pm Saturday and 7am Monday subject to the following conditions:

- (i) works must be undertaken as per the application submitted to the EPA;
- (ii) Works may be undertaken on the contingency weekend but only in the case of an emergency, poor weather conditions or operational constraints.

## L4.19 Out-of-hours road restoration works on Sydenham Road, Sydenham

Works associated with the road restoration at Sydenham Road are permitted to be undertaken on a maximum of two weekends and one contingency weekend between September 2021 and December 2021 from 1pm Saturday and 7am Monday subject to the following conditions:

- (i) Works must be undertaken as per the application submitted to the EPA on 6 July 2021.
- (ii) Works may be undertaken on the contingency weekend but only in the case of an emergency, poor weather conditions or operational constraints.
- (iii) The EPA is notified of the works on the Friday prior to the weekend that operations are expected to commence.

## L5 Potentially offensive odour

- L5.1 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.

## 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.

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## O3 Dust

O3.1 The licensee must minimise the emission of dust from the premises to the greatest extent practicable.

## O4 Waste management

### O4.1 Waste management

The licensee must assess, classify and manage any waste generated at the premises in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste, November 2014* prior to taking the waste off the premises.

O4.2 The licensee must not cause, permit or allow any waste generated:

- (a) Outside the premises to be received at the premises, except for recycled materials from Sydney Trains rail corridor (EPL 12208) or Sydney Trains recycling facility (EPL 7515), Virgin Excavated Natural Material or materials that meet the EPA's Resource Recovery Exemptions for engineered fill purposes;
- (b) At the premises to be land applied at the premises, except as permitted in Condition O4.3.

O4.3 Excavated material suitable for re-use within the premises, may be transported from one part of the premises or the Sydney Trains rail corridor or Sydney Trains recycling facility to another part of the premises by road.

### O4.4 Waste Management Plans

Waste Management Plans must be prepared for all demolition/construction/excavation works undertaken on the premises that generate waste that will be disposed offsite (not including office paper or cardboard). The plan must be completed prior to waste being transported off the premises. The plans must include the following:

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

O4.5 The licensee must ensure waste management, waste transport and waste disposal is carried out in accordance with the waste management plans prepared for the premises.

O4.6 A copy of all waste management plans must be kept on the premises.

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## O4.7 Waste Transport Documentation and Record Keeping

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

## O5 Other operating conditions

### O5.1 Erosion and sediment control

All feasible and reasonable erosion and sediment controls are to be implemented to minimise sediment (including dust) leaving the premises and are to be implemented before any soil disturbance or vegetation clearing commences.

O5.2 All erosion and sediment controls at the premises must be maintained until all disturbed areas are stabilised.

O5.3 The erosion and sediment controls to be implemented are to include but not be limited to:

- minimising the area of exposed soil as much as practicable, including stabilising disturbed areas as soon as practicable; and
- diversion of run-off from land upslope of the premises or undisturbed portions of the premises away from areas of soil disturbance as much as practicable; and
- diversion of run-off from areas of exposed soil to appropriate sediment control devices as much as practicable; and
- installing erosion controls in the base of drains used to divert runoff, to minimise erosion of sediment from the drain

O5.4 Erosion and sediment controls are to be selected, installed and maintained taking into consideration the guidance in "Managing Urban Stormwater – Soils and Construction, Volume 2D, Main road construction" (DECC 2008) and "Managing urban stormwater: soils and construction – Volume 1" (Landcom 2006).

O5.5 The licensee must inspect the operation of all erosion and sediment controls installed on the premises and undertake any works required to repair and/or maintain these controls:

- at least weekly;
- daily during periods of rainfall that causes runoff to occur; and
- prior to any site closure of greater than 24 hours.

O5.6 The licensee is required to prepare an erosion and sediment control strategy document. The licensee must ensure that:

- The document describes all erosion and sediment controls (including those relating to the minimisation of mud tracking from the premises) to be implemented at the site; and
- The document is prepared before the controls are implemented; and
- A copy of the document is kept at the premises until the licences is surrendered; and
- The document includes an assessment of how the reasonable and feasible erosion and sediment controls (including those relating to the minimisation of mud tracking from the premises) were selected; and
- The document is updated prior to any changes to the erosion and sediment controls.

O5.7 The licensee must record all inspections of erosion and sediment controls, including observations on the condition of the controls, and works undertaken to repair and/or maintain the controls. These records are to be kept on the premises.



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- O5.8 All stockpiled material must be stabilised as soon as practicable if the stockpile has been left in-situ for greater than 5 days.
- O5.9 A water quality sampling point is to be located on the discharge pipe from any sediment basin or other water treatment device and:
- The licensee must ensure that a sign is located at the discharge point noting the discharge point number identified under this licence; and
  - A safe access path is to be provided to the sampling point to readily allow for the collection of samples.
- O5.10 Sydenham Pit and Drainage Pumping Station**
- Where a forecast rain event requires vacating the licensed work area within the Sydenham Pit and Drainage Pumping Station, the work area is to be left in a condition that poses no risk of water pollution within the meaning of the Protection of the Environment Operations Act 1997.
  - The EPA must be advised when the work area in the Sydenham Pit and Drainage Pumping Station is vacated, including the time the work area was vacated, and provide the EPA with a written report, that includes photographic evidence, that the work area has been vacated and left in a condition that poses no risk to pollution of waters within the meaning of the Protection of the Environment Operations Act 1997 from activities undertaken by the licensee. The EPA is to be advised when the work area is reoccupied.

## 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:
- in a legible form, or in a form that can readily be reduced to a legible form;
  - kept for at least 4 years after the monitoring or event to which they relate took place; and
  - 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:
- the date(s) on which the sample was taken;
  - the time(s) at which the sample was collected;
  - the point at which the sample was taken; and
  - 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,

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specified opposite in the other columns:

## M2.2 Water and/ or Land Monitoring Requirements

### POINT 1

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

### POINT 2

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

### POINT 3

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

### POINT 4

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

### POINT 5

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

### POINT 6

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

## POINT 7

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

## POINT 8

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

M2.3 For the purposes of Conditions M2.1, the term 'Special Frequency 1' means:

- (a) Less than 24hours prior to controlled discharge and daily for any controlled discharge.

## M3 Testing methods - concentration limits

M3.1 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

## M4 Weather monitoring

M4.1 The licensee must monitor forward weather forecasts for wind velocity and rainfall at either the project weather station, or through analysis of equivalent weather information obtained from the Australian Bureau of Meteorology to enable proactive implementation of dust and soil and sediment control measures.

## M5 Recording of pollution complaints

M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.



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M5.2 The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

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

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

## M6 Telephone complaints line

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

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

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

### M6.4 Notification of Community Complaints Line

The licensee must ensure that the community notification required by condition M5.2 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.

Note: For the purposes of this Condition and Condition M5.1, the telephone complaints line and notification of the telephone complaints line is operated and undertaken by Transport for NSW. The licensee will have staff available to respond to complaints during hours when works are occurring.

### M6.5 Noise and Vibration Complaints

(a) The licensee must investigate noise and vibration complaints:

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

(b) The licensee must ensure that any investigation referred to in this condition that identifies works or



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activities being undertaken on the licenses premises as the likely source of the complaint, includes an offer to the complainant to undertake attended noise or vibration monitoring at their premises unless representative real-time monitoring data was being collected at the time of the complaint.

(c) If the occupant of the dwelling or management personnel of a noise sensitive receiver other than a dwelling accepts the offer of attended noise or vibration monitoring the licensee must undertake that attended monitoring:

- (i) As soon as practicable; or
- (ii) At a time agreed with the complainant.

## M6.6 Notifying Results of Complaint Investigation

The licensee must, in respect of each complaint made to the telephone complaints line required by Condition M5.1, advise each complainant of the results of its investigation of their complaint and any proposed remedial action.

## M7 Noise monitoring

M7.1 Any noise monitoring must be undertaken in accordance with *Australian Standard AS 2659.1 – 1998: Guide to the use of sound measuring equipment – portable sound level meters*, or any revisions of that standard which may be made by Standards Australia, and the compliance monitoring guidance provided in the *NSW Industrial Noise Policy*.

M7.2 Any 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.

M7.3 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA.

## 6 Reporting Conditions

### R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

1. a Statement of Compliance,
2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions,
4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.



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At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

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

R1.3 Where this licence is transferred from the licensee to a new licensee:

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

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 they became aware of the incident.

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## R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- where this licence applies to premises, an event has occurred at the premises; or
  - where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- the cause, time and duration of the event;
  - the type, volume and concentration of every pollutant discharged as a result of the event;
  - 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;
  - 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;
  - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - 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 M5 or through any other means.

(b) The report must:

- Be submitted to the email address nominated by the EPA; and
- Include a unique identifier number for each complainant together with the details required by condition M4.2; and
- Include date and time as reported by the complainant of the event that is the subject of the complaint; and
- Include an outline of the work or activity that is the subject of the complaint; and
- Include the complaints received between 12am and 12pm; and
- If the works have been carried out under Conditions L4.2, L4.3, L4.6, L4.7, or L4.10 the report must include

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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 M6.5

(b) The Preliminary Investigation Report must be submitted to the EPA by 4:30pm on the afternoon of the 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 the best achievable noise performance objectives identified in Construction Noise and Vibration Impact Statements prepared for the works, 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.

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## R4.4 Out of Standard Hours Works - Validation Report

(a) For activities permitted under Condition L4.6 & L4.7, a validation report must be submitted to the EPA that includes the following detail:

1. Confirmation that the equipment used to undertake the works was as specified in the relevant Construction Noise and Vibration Impact Assessment for the worksite; and
2. A copy of the community notification required under Condition L4.12
3. Noise monitoring as required by L4.8(d)
4. Details of any exceedances of predicted noise levels; and
5. Details of the noise and vibration mitigation measures that were implemented as specified in the relevant Construction Noise and Vibration Impact Assessment for the worksite; and,
6. The justification required under L4.6 & L4.7 for the carrying out of works outside of standard construction hours in L4.1.

(b) The validation report must be submitted to the EPA fortnightly from the commencement of the works permitted by L4.6 & L4.7 by no later than 2 business days from the end of each fortnight.

## 7 General Conditions

### G1 Copy of licence kept at the premises or plant

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

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

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

### G2 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.

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## 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 L4.10 must:

- (a) be prepared and implemented in accordance with the relevant sections of the Interim Construction Noise Guidelines (DEC 2009), the Industrial Noise Policy (EPA 1999) and AS2346-2010 Guide to noise and vibration control on construction, demolition and maintenance sites;
- (b) detail the following:

1. the actual works proposed;
2. any expected impacts in clear, simple English based on noise modelling;
3. the expected duration of the works;
4. any expected benefits for receivers;
5. any other concurrent OOHW that will be occurring; and
6. any other OOHW that will be occurring on the nights preceding and following the proposed works or, if the proposed work precedes or follows a weekend period, any other OOHW that will be occurring on the weekend.

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

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

#### E1.2 Consultation and Engagement

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

- (a) all noise sensitive receivers predicted by modelling to be impacted by noise greater than 5 dB(A) above RBL must be consulted on any proposed community agreement. This includes noise sensitive receivers that have declined to participate in previous agreements;
- (b) all proposed agreements must include details for interpreting services for languages other than English where required; and
- (c) If a licensee is unable to contact a noise sensitive receiver after three attempts, including leaving "sorry I missed you" cards explaining the reason for the visit and requesting a return phone call, then the licensee will note that the receiver could not be contacted and the receiver will not be considered to have either agreed or disagreed; and
- (d) records of the attempts to contact the receiver will be kept by the licensee.

#### E1.3 Agreement thresholds

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

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1. noise sensitive receivers predicted to by the licensee to be impacted by noise levels exceeding those specified in Condition L4.2(a) and L4.2(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 licensee's complaints line as required by condition M6; and
- (c) include details of the EPA's Environment Line.

The notification requirements in Condition L4.13 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.

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## E2 Water discharge Point 8 - temporary monitoring

E2.1 Monitoring of the first two discharge events for the following contaminants must be undertaken:

- hydrocarbons, including
  - TRH - Total recoverable hydrocarbons
  - PAH - Polycyclic aromatic hydrocarbons
  - BTEX - benzene, toluene, ethylbenzene and xylene
  - VOC - Volatile organic compounds
  - phenols
- heavy metals
- OCP - Organochlorine pesticides
- OPP - Organophosphorous pesticides
- PCB - Polychlorinated biphenyls

E2.2 The licensee is required to submit a report within 30 days of the second discharge event, comparing the results against the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018 (ANZG (2018)) default guideline values for toxicants at the 95 per cent species protection level; and the 99th percentile for bio accumulative and persistent toxicants.

E2.3 The report must include additional mitigation options to reduce contaminant levels if monitoring results are above ANZG (2018) guideline levels.

Note: Based on the results of the first two discharge events, EPA may extend monitoring requirements.

## E3 Special Dictionary

E3.1

| 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.                 |



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| Day                                    | the period from 0700 and 1800 h (Monday to Saturday) and 0800 to 1800 h (Sundays and Public Holidays) as per the definition in the New South Wales Government's Industrial Noise Policy.  |
| Erosion controls                       | works or activities undertaken to protect soil from dislocation by water or wind and includes stabilisation of disturbed areas, the placement of erosion control blankets and the use of soil binders.  |
| Essential utility services             | means telephone, electricity, gas and water services.   |
| Evening                                | the period from 1800 to 2200 h as per the definition in the New South Wales Government's Industrial Noise Policy.   |
| 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.   |
| INP                                    | means the New South Wales Industrial Noise Policy published by the EPA in January 2000.   |
| Impulsive noise                        | has the same meaning as in section 4.2 of the INP.  |
| Interim Construction Noise Guidelines  | Interim Construction Noise Guidelines (DECC, July 2009).  |
| Intermittent noise                     | has the same meaning as in section 4.2 of the INP.  |
| Out of hours                           | means hours outside those prescribed by condition L4.1.   |
| 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) as per the definition in the New South Wales Government's Industrial Noise Policy.   |
| Noise sensitive receiver               | Land uses that are sensitive to noise, such as residential areas, churches, schools and recreation areas.   |
| Practicable and reasonable             | has the same meaning as 'reasonable and feasible' in the INP.   |
| Rating Background Level (RBL)          | the same meaning as in the Interim Construction Noise Guideline (DECC 2009)   |
| Reasonable noise abatement measures    | Means those feasible noise abatement actions 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.  |





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| Sediment controls               | works or activities undertaken to retain sediment and includes sediment fences, sediment basins, sediment traps and sediment filters.   |
| Soil and water management works | include all measures to control erosion and sediment such as sediment filters, drains, ponds, basins, stormwater run on and runoff controls, site stabilisation works, temporary water crossings and vehicular access controls. |
| Tonal noise                     | the same meaning as in section 4.2 of the INP.  |

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## Dictionary

### General Dictionary

|  |  |
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| <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    |

Ms Claire Miles

Environment Protection Authority

(By Delegation)

Date of this edition: 17-January-2019

## End Notes

|   |                          |                               |
|---|--------------------------|-------------------------------|
| 2 | Licence varied by notice | 1582625 issued on 23-Jul-2019 |
| 3 | Licence varied by notice | 1587883 issued on 09-Dec-2019 |
| 4 | Licence varied by notice | 1589586 issued on 17-Dec-2019 |
| 5 | Licence varied by notice | 1597193 issued on 07-Jul-2020 |
| 6 | Licence varied by notice | 1601881 issued on 23-Oct-2020 |
| 7 | Licence varied by notice | 1606641 issued on 30-Mar-2021 |
| 8 | Licence varied by notice | 1611789 issued on 25-Aug-2021 |
| 9 | Licence varied by notice | 1618703 issued on 24-Jun-2022 |