

Licence Variation



Licence - 21278

JOHN HOLLAND PTY LTD
ABN 11 004 282 268 ACN 004 282 268
LEVEL 3, 65 PIRRAMA ROAD
PYRMONT NSW 2009

Attention: [REDACTED]

Notice Number 1600511
File Number EF19/15789
Date 18-Sep-2020

NOTICE OF VARIATION OF LICENCE NO. 21278

BACKGROUND

- A. JOHN HOLLAND PTY LTD ("the licensee") is the holder of Environment Protection Licence No. 21278 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at WestConnex between the M4-M5 Mainline Tunnels and Rozelle, ROZELLE, NSW, 2039 ("the premises").
- B. On 20 August 2020 the Environment Protection Authority (EPA) received an application for the variation of the licence to permit out-of-hours Sunday evenings and nights works for 'Ausgrid Package 15 and 25 Outages' scheduled to occur on Sunday 20 September 2020 and Sunday 18 October 2020. The licensee submitted information supporting the application, including a Noise Impact Assessment and justification of works.
- C. On 11 September 2020 the EPA sent an email to the licensee requesting further information and proposing draft conditions.
- D. On 16 September 2020 the licensee provided the information requested by the EPA and confirmed it had no suggestions for changes to the proposed conditions.
- E. The EPA has considered the justification provided within the application, supporting documents as well as further responses provided by the licensee via email and has determined to approve the variation subject to the conditions detailed within this notice.
- F. In issuing this variation, the EPA has considered matters in s45 of the Act.

VARIATION OF LICENCE NO. 21278

1. By this notice the EPA varies licence No. 21278. The attached licence document contains all variations that are made to the licence by this notice.

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2. The following variations have been made to the licence:
- L4.6 - Minor amendment to condition to require notification of trial periods [no less than] 14 calendar days prior to commencement;
 - L4.9 - Revision of condition to include community notification of works undertaken under condition L4.17;
 - L4.13 d) - Revised condition to include requirements for L4.17;
 - L4.15 - Revised condition to include requirements for L4.17;
 - L4.17 - New condition to permit the works as described in Item B of this notice; and
 - M6.4 - Revised condition to include requirements for L4.17.

A handwritten signature in blue ink, appearing to read 'Aleksandra Young'.

.....
Aleksandra Young
Unit Head - Regulatory Operations Metro South
NSW Environment Protection Authority
(by Delegation)

INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.
- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.epa.nsw.gov.au/prpoeo/index.htm>) in accordance with section 308 of the Act.

Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

When this notice begins to operate

- The variations to the licence specified in this notice begin to operate immediately from the date of this notice, unless another date is specified in this notice.
- If an appeal is made against this decision to vary the licence and the Land and Environment Court directs that the decision is stayed the decision does not operate until the stay ceases to have effect or the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

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Licence Details

Number:	21278
Anniversary Date:	18-June

Licensee

JOHN HOLLAND PTY LTD
 LEVEL 3, 65 PIRRAMA ROAD
 PYRMONT NSW 2009

Premises

WESTCONNEX STAGE 3B - M4-M5 ROZELLE
 INTERCHANGE
 WESTCONNEX BETWEEN THE M4-M5 MAINLINE TUNNELS
 AND ROZELLE
 ROZELLE NSW 2039

Scheduled Activity

Road construction

Fee Based Activity

Scale

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

Metropolitan North - Sydney
 4 Parramatta Square, 12 Darcy Street
 PARRAMATTA NSW 2150
 Phone: (02) 9995 5000
 Fax: (02) 9995 6901
 Locked Bag 5022
 PARRAMATTA NSW 2124

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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:

JOHN HOLLAND PTY LTD
LEVEL 3, 65 PIRRAMA ROAD
PYRMONT NSW 2009

subject to the conditions which follow.

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1 Administrative Conditions

A1 What the licence authorises and regulates

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

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

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

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
WESTCONNEX STAGE 3B - M4-M5 ROZELLE INTERCHANGE
WESTCONNEX BETWEEN THE M4-M5 MAINLINE TUNNELS AND ROZELLE
ROZELLE
NSW 2039

A2.2 In relation to condition A2.1, the premises is the area shown within the 'Premised Area' on the most recently approved premises maps held on the EPA electronic file EF19/15789.

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

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

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

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

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A3 Information supplied to the EPA

- A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

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

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

A4 Other administrative conditions

- A4.1 The requirements outlined in conditions A2.5, and G1.1 shall only come into force when works and activities commence at the licensed premises.
- A4.2 The EPA must be notified in writing 7 calendar days prior to works and activities commencing at the licensed premises, or prior to the commencement of works if they are scheduled to commence within 7 calendar days of this licence being issued.

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	Surface Water Discharge of captured overland rainwater runoff	Surface Water Discharge of captured overland rainwater runoff	The outlet to sediment basins and settling containers referred to in condition P1.3.
2	Surface Water Discharge of intercepted groundwater	Surface Water Discharge of intercepted groundwater	The outlet to treated water tanks attached to water treatment plants referred to in condition P1.5.

- P1.3 The sediment basins and settling containers referred to in condition P1.2 are the active basins and discharge points identified and located in the document titled "WestConnex M4-M5 Link Rozelle

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Interchange Discharge Point Register", and maintained on electronic file EF19/15789.

- P1.4 The licensee must notify the EPA in writing, at least 48 hours prior to a basin discharge point becoming active or inactive. The notification must include an updated "WestConnex M4-M5 Link Rozelle Interchange Discharge Point Register".

For the purposes of this condition, sediment basins are only considered active whilst accepting water directly from disturbed or active construction areas.

- P1.5 The treated water tanks attached to water treatment plants referred to in condition P1.2 are the water treatment plants and discharge points identified and located in the document titled "WestConnex M4-M5 Link Rozelle Interchange Discharge Point Register", and maintained on electronic file EF19/15789.

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

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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
Arsenic	milligrams per litre				0.05
Cadmium	milligrams per litre				0.014
Chromium (hexavalent)	milligrams per litre		0.07		
Chromium (trivalent)	milligrams per litre				0.15
Copper	milligrams per litre		0.04		
Iron	milligrams per litre				1.5
Lead	milligrams per litre				0.03
Manganese	milligrams per litre				2.5
Mercury	milligrams per litre				0.0007
Nickel	milligrams per litre				0.2
Zinc	milligrams per litre		0.15		

- L2.5 Exceeding the limits specified in condition L2.4 of this licence for pH and total suspended solids (TSS) for discharges from the sediment basins and settling containers that receive rain water pooled in shallow surface excavation areas that do not intercept groundwater flows, identified by conditions P1.1, P1.2 and P1.3, is only permitted when the discharge occurs solely as a result of rainfall measured at the premises. The rainfall must exceed rainfall depth value for the corresponding discharge point as described in condition P1.3.
- L2.6 If the licensee uses turbidity (NTU) in place of TSS to determine compliance with Condition L2.4, the licensee must develop a statistical correlation which identifies the relationship between NTU and TSS for water quality in the sediment basin/s in order to determine the NTU equivalent of 50 mg/L TSS before its use.

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- L2.7 The licensee must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.
- L2.8 The EPA may make a written request for a copy of the statistical correlation assessment and methodology to determine compliance with condition L2.4 if required.

L3 Noise limits

- L3.1 The licensee must implement all feasible and reasonable noise and vibration mitigation and management measures in or on the premises during construction works, to minimise noise and vibration impacts on nearby noise and vibration sensitive receivers. This must involve, but is not limited to:
- implementing noise and vibration mitigation measures described in the WestConnex M4-M5 Link Environmental Impact Statement dated August 2017 (EIS), and the WestConnex M4-M5 Link Submissions and Preferred Infrastructure Report dated January 2018 to achieve construction 'noise affected' Noise Management Levels (NML's) contained in the EIS; and
 - implementing additional noise mitigation measures as may be necessary throughout the life of construction works to minimise exceedances of NML's at nearby noise sensitive receivers; and
 - consideration of the "Interim Construction Noise Guidelines" (DECC, 2009); and
 - consideration of the "Environmental Noise Management - Assessing Vibration: a technical guideline" (DEC, 2006).

L4 Hours of operation

- L4.1 Unless otherwise specified by any other condition of this licence, construction works is:
- restricted to between the hours of 7:00am and 6:00pm Monday to Friday;
 - restricted to between the hours of 8:00am and 6:00pm Saturday; and
 - not to be undertaken on Sundays or Public Holidays.
- L4.2 Any high noise impact works and activities must only be undertaken:
- between 8:00 am and 6:00 pm Monday to Friday;
 - between 8:00 am and 1:00 pm Saturday; and
 - in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the works and activities is likely to impact the same noise sensitive receivers; except as expressly permitted by another condition of this licence.

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

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

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

- LAeq(15 minute) noise levels greater than 5dB above the day, evening and night rating background level (RBL) as applicable; and
- LA1(1 minute) or LAm_{ax} noise levels greater than 15dB above the night RBL for night works; and
- continuous or impulsive vibration values greater than those for human exposure to vibration, set out for

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residences in Table 2.2 in “Environmental Noise Management - Assessing Vibration: a technical guideline” (DEC, 2006); and

d) intermittent vibration values greater than those for human exposure to vibration, set out for residences in Table 2.4 in “Environmental Noise Management - Assessing Vibration: a technical guideline” (DEC, 2006).

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

L4.4 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:

i. the cause, time and duration of the emergency; and

ii. action taken by or on behalf of the licensee in relation to the emergency; and

iii. details of any measures taken or proposed to be taken by the licensee to prevent or mitigate against a recurrence of the emergency.

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

L4.5 Exemptions to standard construction hours for tunnelling, tunnelling support and underground construction works

The following works are permitted to be undertaken 24 hours a day, 7 days a week:

a) tunnelling activities excluding cut and cover tunnelling;

b) haulage of spoil and delivery of material necessary to carry out tunnelling activities;

c) works within an acoustic shed; and

d) tunnel fit out works.

L4.6 Works outside of standard construction hours (out-of-hours works)

Works may be undertaken outside of standard construction hours (out-of-hours works) for a four week trial period with a start date notified in writing to the EPA no less than 14 calendar days prior to commencement. At the conclusion of the trial period, the licensee must submit a written report as required by condition R4.3 within 14 calendar days. The licensee may continue works beyond the four week trial period pending written approval for the continuation of works from the EPA.

L4.7 The works outside of standard construction hours referenced in condition L4.6 may only be undertaken if one or more of the following applies:

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- a) 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
- b) 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
- c) 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
- d) the TfNSW Transport Management Centre (or other road authority) have refused to issue a road occupancy licence during the hours specified in condition L4.1; or
- e) Sydney Trains (or other rail authority) requires a Rail Possession (involving week night or weekend rail shutdown) for the activities to be performed.

L4.8 Works outside of standard construction hours - Regulatory Requirements

In undertaking any out-of-hours works under condition L4.6, the licensee must comply with the following:

- a) Prepare a construction noise impact assessment that is to include:
 - i. a description of the proposed out-of-hours works;
 - ii. predictions of LAeq (15 minute) noise levels at noise sensitive receivers from these works and activities, where noise levels are predicted to be greater than those permitted under condition L4.3; and
 - iii. a monitoring plan to validate the noise predictions, based on monitoring at the boundary of representative sensitive receivers during noise generating activities that are representative of the out-of-hours works;
- b) The licensee must submit the construction noise and vibration assessment to the EPA 14 calendar days prior to any work commencing at the licensed premises for the duration of the trial period; and
- c) Only undertake activities between the hours of 6:00pm on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and 7:00am the following day;
- d) Ensure that out-of-hours works do not result in noise levels exceeding those specified in condition L4.3 at the same noise sensitive receivers on more than:
 - i. 2 consecutive evenings and/or nights per week; and
 - ii. 3 evenings and/or nights per week; and
 - iii. 10 evenings and/or nights per month.
- e) Where high noise impact activities are undertaken, the respite provisions as per the requirements of condition L4.2(c) do not apply provided that all high noise impact activities are undertaken prior to 12am where reasonable and feasible.

Note: Related monitoring and reporting requirements are specified in conditions M6.4 and R4.3 respectively.

L4.9 Works outside of standard construction hours - Notification

In undertaking any out-of-hours works under condition L4.6, L4.13, L4.14 and L4.17 the licensee must notify potentially affected noise sensitive receivers of works outside of standard construction hours not less than 5 calendar days and not more than 14 calendar days before those works are to be undertaken.

- a) The notification must be:
 - i. Undertaken by letterbox drop or email; and
 - ii. Be detailed on the project website.
- b) The notification required by this condition must:

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- i. Clearly outline the reason that the work is required to be undertaken outside the hours specified in condition L4.1;
- ii. Include a diagram that clearly identifies the location of the proposed works in relation to nearby cross streets and local landmarks;
- iii. Include details of relevant time restrictions that apply to the proposed works;
- iv. Clearly outline in plain English, the location, nature, scope and duration of the proposed works;
- v. Detail the expected noise impact of the works on noise sensitive receivers;
- vi. Clearly state how complaints may be made and additional information obtained; and
- vii. Include the number of the telephone complaints line required by condition M5.1, which must also be the after hours contact phone number specific to the works undertaken outside the hours specified in condition L4.1, and the project website address.

L4.10 Works outside of standard construction hours - Respite Night Coordination

In undertaking any out-of-hours works under condition L4.6, the licensee must coordinate out-of-hours works, including those undertaken by third parties, with concurrent construction works licensed by the EPA, to achieve respite periods in locations where noise sensitive receivers are likely to be impacted by the same concurrent construction works.

For the purposes of this condition, 'respite night' means an evening and night period when;

- a) a noise sensitive receiver is affected by noise levels from works less than those specified in condition L4.3, or
- b) out-of-hours works are not occurring under condition L4.6.

L4.11 Community agreements

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

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

L4.12 Any agreement(s) between the licensee and noise sensitive receivers referred to in condition L4.11 must be:

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

L4.13 The licensee may undertake out-of-hours works on a Saturday or Sunday evening and/or night to conduct major traffic switches that are not able to be undertaken on a weeknight. The works on a Saturday or Sunday evening and/or night are subject to the following requirements:

- a) Refusal from the relevant road network operator or the Transport for NSW Transport Management Centre to issue a ROL during standard construction hours or weekday evenings and/or nights on the grounds of network performance or road network safety requirements;
- b) Upon request of an authorised officer of the EPA, the licensee must provide evidence of the refusal

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detailed in L4.13(a) within 5 calendar days;

c) No out-of-hours works are permitted to be undertaken above the noise levels specified in condition L4.3 at the same noise sensitive receivers impacted by the traffic switch works, for the evenings and/or nights immediately prior to and following any Saturday or Sunday evening and/or night shift;

d) The licensee must offer alternative accommodation to noise sensitive receivers impacted by works permitted under conditions L4.13, L4.14 and/or L4.17 by more than 15dB(A) above the NML for more than 2 consecutive weekends of works;

e) The licensee must schedule all out-of-hours works permitted by this licence to meet the requirements of condition L4.8d), inclusive of any Saturday or Sunday evening and/or night works permitted under this condition;

f) Traffic switch works permitted by this condition may be undertaken up to 72 evenings and/or nights over the duration of the project;

g) The licensee must undertake the works, including implementation of all noise management and mitigation measures in accordance with the document titled Rozelle Interchange Project Wide Traffic Switch Program – EPL Licence Variation Report submitted to the EPA on 27 May 2020;

h) While undertaking traffic switch works permitted under this condition, the licensee must not undertake any other out-of-hours works which have not been assessed in document titled Rozelle Interchange Project Wide Traffic Switch Program – EPL Licence Variation Report submitted to the EPA on 27 May 2020; and

i) For noise monitoring that has been carried out under condition M6.4, an authorised officer of the EPA may request a noise monitoring validation report. The licensee must submit the report to the EPA within 7 calendar days.

Note: for any works proposed to occur on a consecutive Saturday and Sunday evening and/or night within the same weekend, the licensee must submit a licence variation application to the EPA for approval of works. If the variation is approved the works will be included in the allowance of up to 72 evenings and/or nights as permitted by L4.13f).

L4.14 The licensee may undertake out-of-hours weekend works to complete removal of the Beatrice Bush Pedestrian Bridge on Friday and Saturday evenings and/or nights between 29 August 2020 and 30 November 2020. The works are subject to the following requirements:

a) Refusal from the relevant road network operator or the Transport for NSW Transport Management Centre to issue a ROL during standard construction hours or weekday evenings and/or nights on the grounds of network performance or road network safety requirements;

b) Upon request of an authorised officer of the EPA the licensee must provide evidence of the refusal detailed in L4.14(a) within 5 calendar days;

c) No out-of-hours works are permitted to be undertaken above the noise levels specified in condition L4.3 at the same noise sensitive receivers impacted by the removal of the Beatrice Bush Pedestrian Bridge or traffic switch works undertaken in accordance with L4.14, for the evenings and/or nights immediately prior to and following the scheduled works;

d) The licensee must offer alternative accommodation to noise sensitive receivers impacted by removal of Beatrice Bush Pedestrian Bridge and any weekend traffic switch works undertaken in accordance with L4.14 by more than 15dB(A) above the NML for more than 2 consecutive weekends of works;

e) The licensee must schedule all out-of-hours works to meet the requirements of condition L4.8d), inclusive of any Friday or Saturday evenings and/or night works permitted under this condition;

f) The licensee must undertake the works, including implementation of all noise management and mitigation measures in accordance with the document titled Rozelle Traffic Switches and Beatrice Bush Bridge Removal – EPL Licence Variation Report submitted to the EPA on 13 August 2020;

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- g) Works must be scheduled as detailed in the schedule provided to the EPA on 14 August 2020 and saved to file SF19/50361; and
- h) For noise monitoring that has been carried out under condition M6.4, an authorised officer of the EPA may request a noise monitoring validation report. The licensee must submit the report to the EPA within 7 calendar days.

Note: for any weekend evenings and/or nights traffic switch works that occur in relation to the removal of Beatrice Bush Bridge, the license must include these works in the allowance of up to 72 evenings and/or nights as permitted by L4.13f).

- L4.15 When undertaking high noise impact works permitted under conditions L4.6, L4.13, L4.14 and L4.17 the licensee must undertake the works before 12am where feasible and reasonable. An authorised officer of the EPA may request the licensee to provide evidence to demonstrate it has made all feasible and reasonable efforts to undertake the works before 12am. The licensee must provide this evidence to the EPA within 5 calendar days.
- L4.16 When undertaking out-of-hours evenings and/or night works permitted under this licence, the licensee may use up to 2 contingency evenings and/or nights per month if:
 - a) Delays are experienced due to weather, site conditions or rescheduling from specialist utility providers;
 - b) The licensee has notified the EPA as soon as reasonably practicable;
 - c) The licensee has notified potentially affected noise sensitive receivers as soon as reasonably practicable; and
 - d) The licensee meets the requirements of condition L4.8d) of this licence inclusive of any contingency nights and any works undertaken under condition L4.6, L4.13 and L1.14.
- L4.17 The licensee may undertake out-of-hours works on Sunday 20 September 2020 and Sunday 18 October 2020 to complete the Ausgrid Package 15 and 25 electrical connection works. The approval of these works is subject to the following:
 - a) No out-of-hours works are permitted to be undertaken above the noise levels specified in condition L4.3 at the same noise sensitive receivers for the evenings and/or nights immediately prior to and following the works;
 - b) The licensee must schedule all out-of-hours works to meet the requirements of condition L4.8d), inclusive of any Friday, Saturday and Sunday evenings and/or night works permitted under this licence;
 - c) Where scheduling of works permitted by this condition is changed due to contingency requirements, Ausgrid approvals or Ausgrid availability, the licensee must submit written justification to the EPA demonstrating that the works are a necessary contingency, and the contingency works must be approved in writing by the EPA;
 - d) For noise monitoring that has been carried out under condition M6.4, an authorised officer of the EPA may request a noise monitoring validation report. The licensee must submit the report to the EPA within 7 calendar days;
 - e) The licensee must undertake the works, including implementation of all noise management and mitigation measures in accordance with the document titled RIC-JHC-RPT-00-EN-1-020 – EPL Variation Ausgrid Package 15 and 25 Outages submitted to the EPA on 20 August 2020; and
 - f) The licensee must offer alternative accommodation to noise sensitive receivers impacted by works permitted under conditions L4.13 and/or L4.17 by more than 15dB(A) above the NML for more than 2 consecutive weekend of evenings and/or nights of works.

Note: the licensee must include these works in the allowance of up to 72 evenings and/or nights as permitted by L4.13f).

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

O3.2 All trucks carrying dry bulk material that enter and leave the premises must have their loads covered at all times, except during unloading and loading.

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

O4 Waste management

O4.1 The licensee must assess, classify and manage any waste generated at the premises in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste, November 2014* prior to taking the waste off the premises.

O4.2 The licensee must not cause, permit or allow any waste generated outside the licensed premises to be received at the licensed premises for storage, treatment, processing, reprocessing, or disposal on the licensed premises, except virgin excavated natural material (VENM), or as expressly permitted by an environment protection licence or resource recovery order and resource recovery exemption under the POEO Act, if such a licence is required in relation to that waste.

O4.3 Waste Management Plans

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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; and
- e) Where the place of disposal changes after the plan has been made, an amendment to the plan can be made as an addendum that includes an update points a) to d) above.

O4.4 The licensee must ensure waste management, waste transport and waste disposal is carried out in accordance with the waste management plans prepared for the premises.

O4.5 A copy of all waste management plans must be kept on the premises.

O4.6 Waste Transport Documentation and Record Keeping

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

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:

- a) minimising the area of exposed soil as much as practicable, including stabilising disturbed areas as soon as practicable; and
- b) 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
- c) diversion of run-off from areas of exposed soil to appropriate sediment control devices as much as practicable; and
- d) 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

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and undertake any works required to repair and/or maintain these controls:

- a) at least weekly;
- b) daily during periods of rainfall that causes runoff to occur if safe to do so; and
- c) prior to any site closure of greater than 48 hours.

- O5.6 The licensee is required to prepare erosion and sediment control documents. The licensee must ensure that:
- a) The documents describe all erosion and sediment controls (including those relating to the minimisation of mud tracking from the premises) to be implemented at the site; and
 - b) The documents are prepared before the controls are implemented; and
 - c) A copy of the documents are kept at the premises until the licence is surrendered; and
 - d) The documents include 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
 - e) The relevant document(s) are updated prior to, or as soon as practicable after, any changes to the erosion and sediment controls are carried out.
- 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.
- O5.8 All stockpiled material must be stabilised as soon as practicable if the stockpile has been left in-situ, outside of an acoustic shed for greater than 10 calendar days.
- O5.9 The licensee must implement all feasible and reasonable measures to minimise soil or mud from the premises being deposited on public roads in the vicinity of the premises.

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.

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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

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

POINT 2

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

Note: Where a TSS/NTU correlation has been determined in accordance with condition L2, then the probe sample method is suitable.

M2.3 For the purposes of condition M2.2, the term "Special Frequency 1" means:

- Less than 24 hours prior to controlled discharge and daily for any controlled discharge; and
- When rainfall causes a discharge from a basin which has not been emptied within 5 days of cessation of a rainfall event.

M3 Testing methods - concentration limits

M3.1 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a

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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:
- the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - 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.
- Note: For the purposes of this condition, the telephone complaints line is operated by a third party provider. The licensee will have staff available to respond to complaints during its operating hours.
- 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 5 business days after the date of the issue of this licence.
- M5.4 Notification of community complaints line

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

- by including details on the project website on:
 - how the public can make a complaint on the telephone complaints line; and
 - how complaints will be processed.
- by clear signage at the boundary of each worksite that contains both the telephone complaints line number and the project website details.

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M5.5 Noise and vibration complaints

- a) The licensee must investigate noise and vibration complaints:
- i. within two hours of the complaint being made; or
 - ii. in accordance with any documented complaint management agreement between the licensee and the complainant.
- b) The licensee must ensure that any investigation referred to in this condition that identifies works or activities being undertaken on the licensed premises as the likely source of the complaint, and the licensee is not in possession of noise monitoring data in the vicinity of the complainants location and of the subject works and activities being undertaken on the licensed premises, includes an offer to the complainant to undertake attended noise or vibration monitoring at their premises.
- c) If the occupant of the dwelling or management personnel of a noise sensitive receiver other than a dwelling accepts the offer of attended noise or vibration monitoring the licensee must undertake that attended monitoring:
- i. As soon as practicable; or
 - ii. At a time agreed with the complainant.

M5.6 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.

M6 Noise monitoring

- M6.1 All noise monitoring must be undertaken in accordance with Australian Standard AS 2659.1 – 1998: "Guide to the use of sound measuring equipment – portable sound level meters", or any revisions of that standard which may be made by Standards Australia, and the compliance monitoring guidance provided in the "NSW Noise Policy for Industry" (EPA, 2017).
- M6.2 All vibration monitoring must be undertaken in accordance with the technical guidance provided in the "Environmental Noise Management - Assessing Vibration: a technical guideline" (DEC, 2006). All vibration monitoring results may be assessed and reported against the acceptable values of human exposure to vibration set out in Tables 2.2 and 2.4 of the guideline.
- M6.3 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA.
- M6.4 During out-of-hours works undertaken in accordance with condition L4.6, L4.13 or L4.14 noise monitoring is to be undertaken:
- a) in accordance with the appropriate monitoring plan prepared for that suite of works and submitted to the EPA;
 - b) must be representative of noise generating activities being undertaken; and
 - c) must include, but not be limited to monitoring at the boundary of the nearest noise sensitive receivers that are representative of the acoustic environment, where works are predicted to cause the highest noise impacts.

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6 Reporting Conditions

R1 Annual return documents

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

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

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

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

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

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

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

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

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b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

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

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

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

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R4 Other notifications

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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:
 - i. Be submitted to the email address nominated by the EPA; and
 - ii. Include a unique identifier number for each complainant together with the details required by condition M4.2; and
 - iii. Include date and time as reported by the complainant of the event that is the subject of the complaint; and
 - iv. Include an outline of the work or activity that is the subject of the complaint; and
 - v. Include the complaints received between 12am and 12pm; and
 - vi. If the works have been carried out under conditions L4.2, L4.3, L4.4, L4.5, L4.6 or L4.11, the report must include a copy of any assessments required by these conditions unless previously provided to the EPA, and details of how the requirements of these conditions have been met if requested by an authorised officer of the EPA.
- c) The licensee is not required to submit a report for any reporting period during which no complaints have been received.

R4.2 Noise and vibration reports

- a) Upon request of an authorised officer of the EPA, the licensee must submit a Preliminary Investigation Report to the EPA in respect of any noise or vibration monitoring undertaken in accordance with the requirements of condition M6.4.
- b) The Preliminary Investigation Report must be submitted to the EPA by 4.30pm of the afternoon of the next business day following any noise or vibration monitoring.
- c) The Preliminary Investigation Report must:
 - i. include numerical and/or graphical representation of the noise and vibration monitoring results; and
 - ii. highlight any detected exceedance of noise goals or limits specified in:
 - 1. this licence;
 - 2. relevant noise guidelines; and
 - 3. relevant noise modelling.
- d) In the event of any exceedance of the noise goals or limits referred to in condition R4.2 c) ii., the licensee must:
 - i. Modify activities and implement all reasonable and feasible measures to prevent a recurrence of the exceedance; and
 - ii. Submit a Follow-Up Investigation Report to the EPA within 5 business days of any noise or vibration monitoring having been undertaken (unless otherwise approved by the EPA).
 - iii. 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 the "Environmental Noise Management - Assessing Vibration: a technical guideline" (DEC, 2006); and
 - 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/or graphical representation of the noise and vibration monitoring results; and

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6. An analysis of the noise and vibration monitoring results; and
7. Details of any remedial action taken in relation to the matter; and
8. In cases not the subject of remedial action, detailed justification of the decision not to undertake remedial action.

R4.3 Out-of-hours works validation report

For out-of-hours works permitted under condition L4.6, a validation report must be submitted to the EPA within 14 calendar days of the completion of the trial that includes the following detail:

- a) A copy of the community notification required under condition L4.9; and
- b) Noise monitoring as required by condition M6.4; and
- c) Details of any exceedances of noise levels predicted in the construction noise impact assessment; and
- d) Details of the noise and vibration mitigation measures that were implemented during the out-of-hours works; and
- e) A summary of community complaints received by the project during the trial period.

R4.4 Water Treatment Plant (WTP) Performance Reporting

- a) Where water samples have been undertaken in accordance with condition M2, the licensee must submit to the EPA a WTP Performance Report within 10 business days of sample results being determined.
- b) The WTP Performance Report must:
 - i) include results of all discharge quality monitoring with a comparison to concentration limits of pollutants specified in condition L2; and
 - ii) include results of all WTP influent quality where monitoring of influent has been undertaken.

7 General Conditions

G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

G2 Contact number for incidents and responsible employees

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

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

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

G3 Other general conditions

G3.1 Environmental induction

- a) The licensee must ensure that before any construction work is undertaken, all personnel involved in undertaking that work receive environmental induction training.
- b) The induction training must:
 - i. Clearly identify the location of all noise sensitive receivers likely to be affected by noise or vibration generated during the course of the work undertaken by those personnel; and
 - ii. Highlight the licence requirements to minimise noise and vibration impacts on noise sensitive receivers.

8 Special Conditions

E1 Community Agreements

E1.1 Requirements for community agreements

Any community agreement to permit works to be undertaken outside of standard construction hours (OOHW) under condition L4.12 must:

- a) be prepared and implemented in accordance with the relevant sections of the "Interim Construction Noise Guidelines" (DEC 2009), the "Noise Policy for Industry" (EPA, 2017) and AS2346-2010 "Guide to noise and vibration control on construction, demolition and maintenance sites";
- b) detail the following:
 - i. the actual works proposed;
 - ii. any expected impacts in clear, simple English based on noise modelling;
 - iii. the expected duration of the works;
 - iv. any expected benefits for receivers;
 - v. any other concurrent OOHW that will be occurring; and
 - vi. any other OOHW that will be occurring on the nights preceding and following the proposed works or, if the proposed work precedes or follows a weekend period, any other OOHW that will be occurring on the weekend.
- 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

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RBL must be consulted on any proposed community agreement. This includes noise sensitive receivers that have declined to participate in previous agreements; and

- b) all proposed agreements must include details for interpreting services for languages other than English where required; and
- c) if a licensee is unable to contact a noise sensitive receiver after three attempts, including leaving "sorry I missed you" cards explaining the reason for the visit and requesting a return phone call, then the licensee will note that the receiver could not be contacted and the receiver will not be considered to have either agreed or disagreed; and
- d) records of the attempts to contact the receiver will be kept by the licensee.

E1.3 Agreement thresholds

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

- a) noise sensitive receivers predicted by the licensee to be impacted by noise levels exceeding those specified in condition L4.3(a) and L4.3(b); and
- b) 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 calendar days of the agreement being finalised and must:

- a) include a website link to the project website, specifically to a summary of the approved project agreement; and
- b) include details of the licensees complaints line as required by condition M5; and
- c) include details of the EPA's Environment Line.

The notification requirements in condition L4.9 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.

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

E2 Special Dictionary

E2.1 Special Dictionary

Term	Meaning
AS 2659	means Australian Standard AS 2659.1 – 1988 : Guide to the use of sound measuring equipment – Portable sound level meters.
Business day	excludes Saturdays, Sundays, public holidays and rostered days off (RDOs).
Construction works	includes all construction work and activities, and all construction-related work and activities, undertaken on the premises.
Day	the period from 0700 to 1800 h (Monday to Saturday) and 0800 to 1800 h (Sundays and Public Holidays).
Evening	the period from 1800 to 2200 h.
Feasible and reasonable	feasible means actions to reduce impacts, and is capable of being put into practice or engineered and practical to build given project constraints. Reasonable means selecting reasonable measures from those that are feasible based on whether the overall benefits outweigh the overall adverse social, economic and environmental effects, including the cost of the measure.
High noise impact works and activities	means work occurring on the surface that generates noise with impulsive, intermittent, tonal or low frequency characteristics, and may include jack hammering, rock breaking or hammering, pile driving, vibratory rolling, cutting of pavement, concrete or steel.
Night	the period from 2200 to 0700 h (Monday to Saturday) and 2200 to 0800 h (Sundays and Public Holidays).
Noise Management Level (NML)	has the same meaning as "Airborne Noise Management Levels" in the Interim Construction Noise Guideline (DECC, 2009)
Noise sensitive receiver	Land uses that are sensitive to noise, such as residential areas, churches, schools and recreation areas.
Out-of-hours works (OOHW)	mean construction work and activities undertaken outside the times prescribed by condition L4.1.
Standard construction hours	means the times specified in condition L4.1.

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Dictionary

General Dictionary

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

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

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

Mr Rob Sherry

Environment Protection Authority

(By Delegation)

Date of this edition: 18-June-2019

End Notes

2	Licence varied by notice	1586726 issued on 11-Oct-2019
3	Licence varied by notice	1587952 issued on 13-Nov-2019
4	Licence varied by notice	1593057 issued on 20-Mar-2020
5	Licence varied by notice	1594900 issued on 15-May-2020
6	Licence varied by notice	1595233 issued on 04-Jun-2020
7	Licence varied by notice	1598645 issued on 18-Aug-2020
8	Licence varied by notice	1599206 issued on 25-Aug-2020