

# Licence Variation

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Licence - 20734

CPB CONTRACTORS PTY LIMITED  
ABN 98 000 893 667 ACN 000 893 667

Samsung C&T Corporation  
ABN 49 160 079 470 ACN 050 242 147

JOHN HOLLAND PTY LTD  
ABN 11 004 282 268 ACN 004 282 268

PO BOX 411  
BURWOOD NSW 1805

Attention: Mr Ryan Franklin, Environmental Manager M4East

Notice Number      1565604  
File Number        EF15/21129  
Date                 06-Jun-2018

## NOTICE OF VARIATION OF LICENCE NO. 20734

### BACKGROUND

- A. CPB CONTRACTORS PTY LIMITED ("the licensee") is the holder of Environment Protection Licence No. 20734 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at WestConnex M4 East, Homebush bay Drive to Parramatta Road, BURWOOD, NSW, 2134 ("the premises").
- B. On 09-May-2018 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. The variation requests works to be undertaken over one long weekend from Friday 8 June until Tuesday 12 June, to construct the road pavement of the Patterson Street and Concord Road intersection. These works would otherwise take up to 36 nights to complete under weekday Road Occupancy Licences. Community engagement showed a large majority of impacted residents prefer this work to be done over the long weekend.
- D. The EPA has taken into account Section 45 of the Act.

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## VARIATION OF LICENCE NO. 20734

1. By this notice the EPA varies licence No. 20734. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
  - Condition L4.13 was added to include provisions for works undertaken on the Patterson Street pavement between Friday 8 June and Tuesday 12 June 2018

A handwritten signature in blue ink that reads 'M. Sharpin'.

**Mike Sharpin**  
**Unit Head**  
**Metropolitan Infrastructure**  
(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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# Environment Protection Licence

Licence - 20734

## Licence Details

Number:	20734
Anniversary Date:	26-February

## Licensee

JOHN HOLLAND PTY LTD  
 SAMSUNG C&T CORPORATION  
 CPB CONTRACTORS PTY LIMITED

PO BOX 411  
 BURWOOD NSW 1805

## Premises

WESTCONNEX M4 EAST, HOMEBUSH BAY DRIVE TO  
 PARRAMATTA ROAD  
 BURWOOD NSW 2134

## Scheduled Activity

Road construction

## Fee Based Activity

## Scale

Road construction	0-10 km of road constructed, widened or re-routed
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## Region

Metropolitan Infrastructure  
 Level 13, 10 Valentine Ave  
 PARRAMATTA NSW 2150  
 Phone: (02) 9995 5000  
 Fax: (02) 9995 6900

PO Box 668  
 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:

<b>JOHN HOLLAND PTY LTD</b>
<b>SAMSUNG C&amp;T CORPORATION</b>
<b>CPB CONTRACTORS PTY LIMITED</b>
<b>PO BOX 411</b>
<b>BURWOOD NSW 1805</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
Road construction	Road construction	0 - 10 km of road constructed, widened or re-routed

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

A2.1 The licence applies to the following premises:

Premises Details
WESTCONNEX M4 EAST, HOMEBUSH BAY DRIVE TO PARRAMATTA ROAD
BURWOOD
NSW 2134
LOCATION IS: FROM EXISTING M4 MOTORWAY, AT HOMEBUSH BAY DRIVE, TO THE INTERSECTION BETWEEN PARRAMATTA ROAD AND ORPINGTON STREET. AND ALONG WATTLE STREET TO THE INTERSECTION OF DOBROYD PARADE AND LOUDON AVENUE. AS SHOWN IN THE MAPS REFERRED TO IN CONDITION A2.2.

A2.2 In relation to Condition A2.1, the premise is defined by the most recent premise maps held on EPA electronic file EF15/21129 and approved in writing by the EPA.

A2.3 Premise maps must be available for public access on the project website(s) no more than 3 business days after approval by the EPA.

### 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.

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

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

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

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

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

P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

#### *Water and land*

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Water Discharge	Water Discharge	the outlet to sediment basins referred to in condition P1.3
2	Water Treatment Plant Discharge	Water Treatment Plant Discharge	the discharge from water treatment plants associated with tunnelling works during construction at the Underwood Road, Concord Road, Cintra Park and Northcote Street tunnel sites

P1.3 The sediment basins and discharge points referred to in condition P1.2 are active basins and discharge points identified in the spreadsheet titled WestConnex M4 East *Temporary Sediment Basin and Water Treatment Discharge Point Schedule* and maintained on electronic file EF16/9382.

P1.4 The licensee must notify the EPA in writing, at least 48 hours prior to a basin or discharge point becoming active or inactive. The notification must include an updated *Temporary Sediment Basin Schedule and Water Treatment Discharge Point Schedule*.  
(Sediment basins are only considered active whilst accepting water directly from active construction areas).

## 3 Limit Conditions

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## 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\&s 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\&s.

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

### POINT 2

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

L2.5 Exceeding the limits specified in the previous condition of this licence for pH and total suspended solids

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(TSS) for discharges from the sediment basins identified by Conditions P1.1 and EPA Identification no 1 in P1.2 is only permitted when the discharge occurs solely as a result of rainfall measured at the premises. The rainfall must exceed rainfall depth value for the corresponding discharge point as described in condition P1.3

- L2.6 If the licensee uses turbidity (NTU) in place of TSS to determine compliance with Condition L2.4, the licensee must develop a statistical correlation which identifies the relationship between NTU and TSS for water quality in the sediment basin/s in order to determine the NTU equivalent of 50 mg/L TSS before its use.
- L2.7 The 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 All works and activities must be undertaken in a manner that will minimise noise and vibration impacts on sensitive receivers.
- L3.2 The licensee must ensure that all feasible and reasonable noise and vibration mitigation and management measures are implemented during construction work authorised by this licence in accordance with the *Interim Construction Noise Guideline, Department of Environment and Climate Change (DECC) 2009*.

### L4 Hours of operation

- L4.1 Unless otherwise specified by any other condition of this licence, construction work is:
- restricted to between the hours of 7:00 am and 6:00 pm Monday to Friday;
  - restricted to between the hours of 8:00 am and 1:00 pm Saturday; and
  - not to be undertaken on Sundays or Public Holidays.

#### L4.2 Work generating high noise impact

Any high noise impact works must only be undertaken:

- between the hours of 8:00am and 6:00pm Monday to Friday;
  - between the hours of 8:00am and 1:00pm 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 work is likely to impact the same 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 the subject of this Condition.

#### L4.3 Notification of works approved outside of standard construction hours

- The licensee must notify potentially 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

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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;
- clearly state how complaints may be made and additional information obtained; and
- include the number of the telephone complaints line required by Condition M7.1, an after hours contact phone number specific to the works undertaken outside the hours specified in Condition L4.1, and the project website address.

Note: For the avoidance of doubt condition L4.3 does not apply to works undertaken pursuant to condition L4.6a) and b) or L4.10.

L4.4 The licensee may undertake works outside of standard construction hours if agreement between the licensee and a substantial majority of potentially affected sensitive receivers has been reached

L4.5 Any agreement(s) between the licensee and the potentially affected noise sensitive receivers referred to in Condition L4.4 must be recorded in writing and a copy of the agreement(s) kept on the premises by the licensee for the duration of this licence.

L4.6 The licensee may undertake construction work out of hours if that work does not cause;

- a) LAeq(15 minute) noise levels no more than 5 dB(A) above rating background level at any residence in accordance with the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009); and
- b) LAeq(15 minute) noise levels no more than the noise management levels specified in Table 3 of the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) at other sensitive receivers; and
- (c) continuous or impulsive vibration values, measured at the most affected residence, greater than those for human exposure to vibration, set out for residences in Table 2.2 to the technical guideline 'Environmental Noise Management Assessing Vibration' published by the Department of Environment and Conservation in February 2006, and
- (d) intermittent vibration values, measured at the most affected residence, greater than those for human

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exposure to vibration, set out for residences in Table 2.4 to the technical guideline 'Environmental Noise Management

## L4.7 Works Approved Outside of Standard Construction Hours

Activities and works may be undertaken outside of standard construction hours specified in L4.1 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 cause unacceptable risks to one or more of the following:

- (1) construction personnel safety;
- (2) road user and public safety;
- (3) road network operational performance as may be notified from time to time by the Roads and Maritime Services; and/or
- (4) essential utility services; and/or

(ii) the TfNSW Transport Management Centre (or other road authority) refuse to issue a road occupancy licence for the works or activities during the hours specified in Condition L4.1.

(iii) Sydney Trains require a Rail Possession (involving week night and/or weekend rail shutdown) for the works or activities to be performed.

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

(i) comply with the requirements of the Out of Hours Work Protocol M4 East, document number M4E-ES-PRC-PWD-00315, revision date 19 February 2016 ; and

(ii) implement noise and vibration mitigation detailed in the Interim Construction Noise Guidelines (DECC 2009).

L4.9 A copy of the out of hours protocol must be available for public access on the project website.

L4.10 The licensee may undertake works outside of standard construction hours if:

(i) 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; or

(ii) emergency work is required to avoid the loss of lives or property, or to prevent environmental harm.

L4.11 Tunnelling works and associated above ground support activities may be undertaken 24 hours per day, 7 day per week. In undertaking any works or activities under this condition the licensee must comply with the requirements of the Out of Hours Protocol as referred to in condition L4.8.

## L4.12 Ramsay Street Permanent Pavement works

The licensee may undertake works outside the standard construction hours prescribed in condition L4.1

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for the Ramsay Street permanent pavement works provided that:

- (a) The works are only undertaken between the hours of 20:00 Friday 15 June 2018 to 05:00 Monday 18 June 2018; and
- (b) No other works are undertaken at the same time as the works permitted by L4.12(a) outside standard construction hours that will impact the same sensitive receivers, other than works permitted under L4.6, L4.10 and L4.11; and
- (c) No works will be undertaken that will impact the same noise sensitive receivers outside standard construction hours, other than works permitted under L4.6, L4.10 and L4.11 on the two nights preceding and the two nights following works permitted by condition L4.12(a); and
- (d) High Noise Impact Works and works causing noise levels 30dB(A) above the rating background level must not be undertaken after 6pm where reasonable and feasible; and
- (e) Alternative accommodation is offered to residents who will be exposed to noise levels 30dB(A) above the rating background level during these works; and
- (f) Noise monitoring and mitigation measures must be implemented as outlined in the EPL Variation Report- Ramsay Street Permanent Pavement Construction, Document nr. M4E-ES-RPT-PWD-07441 dated 1 May 2018.

## L4.13 Patterson Street Permanent Pavement works

The licensee may undertake works outside the standard construction hours prescribed in condition L4.1 for the construction for the Patterson Street pavement works, provided that:

- (a) The works are only undertaken between the hours of 20:00 Friday 8 June 2018 to 05:00 Tuesday 12 June 2018; and
- (b) No other works are undertaken at the same time as the works permitted by L4.12(a) outside standard construction hours that will impact the same sensitive receivers, other than works permitted under L4.6, L4.10 and L4.11; and
- (c) No works will be undertaken that will impact the same noise sensitive receivers outside standard construction hours, other than works permitted under L4.6, L4.10 and L4.11 on the two nights preceding and the three nights following works permitted by condition L4.12(a); and
- (d) High Noise Impact Works and works causing noise levels 30dB(A) above the rating background level must not be undertaken after 6pm where reasonable and feasible; and
- (e) Alternative accommodation is offered to residents who will be exposed to noise levels 30dB(A) above the rating background level during these works; and
- (f) Noise monitoring and mitigation measures must be implemented as outlined in the EPL Variation Report- Patterson Street Pavement Works, Document nr. M4E-ES-RPT-PWD-07442 dated 1 May 2018.

## 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.

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## **O2 Maintenance of plant and equipment**

- O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
- a) must be maintained in a proper and efficient condition; and
  - b) must be operated in a proper and efficient manner.

## **O3 Dust**

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

## **O4 Processes and management**

- O4.1 The licensee must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.
- O4.2 The drainage from all areas that will mobilise suspended solids when stormwater runs over these areas must be controlled and diverted through appropriate erosion and sediment control measures.
- O4.3 The licensee must minimise the area of the site that is able to generate suspended material when water runs over it.
- O4.4 Erosion and sediment controls must be designed (stability, location, type and size), constructed, operated and maintained in accordance with the guideline "Managing Urban Stormwater – Soils and Construction, Volume 2D, Main road construction" DECC 2008, to be read and used in conjunction with volume 1 "Managing urban stormwater: soils and construction" Landcom 2004.
- O4.5 The licensee must ensure the design storage capacity of any sediment basin installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.
- O4.6 The licensee must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:
- a) the clear identification of each sediment basin and discharge point;
  - b) the collection of representative samples of the water discharged from the sediment basin(s); and
  - c) access to the sampling point(s) at all times by an authorised officer of the EPA.
- O4.7 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.



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O4.8 Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.

*Note: This condition does not apply to those works associated with the actual installation of sediment basins or associated drainage.*

O4.9 The licensee must inspect the operation of all erosion and sediment controls installed on the premises and undertake any works required to repair and/or maintain these controls:

- a) at least weekly during normal construction hours outlined in condition L4.1;
- b) daily during periods of rainfall that causes runoff to occur ; and
- c) prior to any site closure of greater than 24 hours.

O4.10 The licensee must record all such inspections, including observations and works undertaken to repair and/or maintain soil and water management works.

## O4.11 Community Engagement

a) The licensee must provide a Community Information Display space within the main Project Office that will be available to the community during business hours. The display space must provide images and relevant information on the project and be staffed by a Community Liaison Team member to provide answers to any community concerns/enquiries.

b) The community information display must include details of upcoming construction activities (including out of hours activities), nature and timing of such activities and relevant contact details. The information must include at a minimum, details of up and coming activities that are to occur over the next month.

c) The licensee must convene and hold community meetings or open forums in relation to the project, including (but not limited to) key construction activities and/or key project milestones, at least once every three months.

d) The licensee must keep minutes of any community meeting held in accordance with this condition and must submit a copy of the relevant minutes to the EPA when requested by an EPA officer.

## 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.

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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, 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
pH	pH	Daily during any discharge	Probe
TSS	milligrams per litre	Daily during any discharge	Grab sample

M2.3 For the purposes of condition M2.2 and the Table thereto 'Special Frequency 1' means:

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

## M3 Testing methods - concentration limits

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

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any tests are conducted.

## **M4 Environmental monitoring**

- M4.1 Noise monitoring must be carried out in accordance with Australian Standard AS 2659.1 – 1998: Guide to the use of sound measuring equipment – Portable sound level meters, and the compliance monitoring guidance provided in the NSW Industrial Noise Policy.
- M4.2 Vibration monitoring must be carried out in accordance with the guidance provided in the Environmental Noise Management Assessing Vibration: A Technical Guideline, published by the Department of Environment and Conservation, February 2006.
- M4.3 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA.

## **M5 Weather monitoring**

- M5.1 Rainfall at the premises must be measured and recorded in millimetres per 24 hour period at the same time each day from the time that the site office associated with the activities permitted by this licence is established.

## **M6 Recording of pollution complaints**

- M6.1 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.
- M6.2 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.
- M6.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M6.4 The record must be produced to any authorised officer of the EPA who asks to see them.
- M6.5 **Daily complaints reporting**

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(a) The licensee must submit, by 2.00 pm each day, a report to the EPA that provides details of all complaints received on the telephone complaints line required by condition M7.1.

The report must:

1) include –

i) a unique identifier number for each complaint,

ii) the details required by condition M6.2,

iii) the date and time of the event or incident the subject of the complaint;

iv) the complaints received between 12pm on that day and 12pm on the previous working day; and

2) be submitted to the email address nominated by the EPA.

(b) The licensee is not required to submit a report that would otherwise be required to be submitted on a Saturday, Sunday or public holiday until not later than 2.00 pm on the next following weekday that is not a public holiday.

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

## **M7 Telephone complaints line**

M7.1 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.

M7.2 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.

M7.3 The preceding two conditions do not apply until , the date of the issue of this licence.

## **M7.4 Noise and Vibration Complaints**

a) The licensee must investigate noise and vibration complaints received via the telephone complaints line from the occupants of dwellings or the management of noise sensitive receivers other than dwellings:

(i) within two hours of the complaint being made; or

(ii) in accordance with any prior complaint management agreement the licensee may have made with the complainant.

## **6 Reporting Conditions**

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## R1 Annual return documents

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

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

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

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

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

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

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

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.

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## 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 reporting conditions

R4.1 Noise and Vibration Reports

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- 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 M7.4.
- b) The Preliminary Investigation Report must be submitted to the EPA by 4.30 pm of the afternoon of the next working 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 work practices and methods and implement all practicable and reasonable measures to prevent a recurrence of the exceedance; and
  - (ii) 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).
- e) the Follow-up Investigation Report must include:
  - (i) confirmation of whether noise monitoring has been undertaken in accordance with AS2659 and the compliance monitoring guidance provided in the INP;
  - (ii) confirmation of whether vibration monitoring has been undertaken in accordance with the guidance provided in the Assessing vibration: a technical guideline (DEC, 2006);
  - (iii) details of the prevailing meteorological conditions during the period when the noise or vibration monitoring was undertaken;
  - (iv) a map of each noise and vibration monitoring location in relation to the noise source, including relevant distances;
  - (v) numerical and graphical representation of the noise and vibration monitoring results;
  - (vi) an analysis of the noise and vibration monitoring results;
  - (vii) details of any remedial action taken in relation to the matter; and
  - (viii) in cases not the subject of remedial action, detailed justification of the decision not to undertake remedial action.

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## 7 General Conditions

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

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

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

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

### G2 Contact number for incidents and responsible employees

G2.1 The licensee must provide the EPA with up to date contact details to enable the EPA:

(a) to contact either the licensee or a representative of the licensee who can respond at all times to incidents relating to the premises, and

(b) to contact the licensee's senior employees or agents authorised at all times to:

(i) speak on behalf of the licensee, and

(ii) provide any information or document required under licence.

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

a) the full name and title of the authorised representatives and the scope of their respective authorisations; and

b) the direct telephone number, mobile number, pager number, fax number, email address and postal address for contacting each authorised representative.

### G3 Other general conditions

G3.1 The licensee must notify potentially affected noise sensitive receivers prior to the commencement of licensed activities, of the following:

a) details of the project;

b) nature and location of the works;

c) estimated construction time;

d) what works are expected to be noisy;

e) noise control measures; and



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f) include the number of the telephone complaints line required by Condition M7.1, an after hours contact phone number specific to the works undertaken outside the hours specified in Condition L4.1, and the project website address.

G3.2 The licensee must ensure that the community notification required by Condition G3.1, occurs in newspapers that are regularly circulated within the communities likely to be affected by noise or other impacts of the licensed activities.

## 8 Special Conditions

### E1 Special Dictionary

#### E1.1 Special Dictionary

Term	Meaning
High Noise Impact Works	grinding metal, concrete or masonry, rock drilling, line drilling, smooth drum vibratory rolling, bitumen milling and profiling, jackhammering, rock hammering or rock breaking, impact piling and other work occurring on surfaces that generates noise with impulsive, intermittent, tonal or low frequency characteristics
Project Website	means a website that is under the control of the licensee and which is easily available for viewing by the community
Background Noise Level	means the overall single figure background noise level for each assessment period. Determination of the rating background level is by the method described in the NSW Industrial Noise Policy (EPA 2000)
Rating Background Level	means the overall single figure background noise level for each assessment period. Determination of the rating background level is by the method described in the NSW Industrial Noise Policy (EPA 2000)
Potentially affected noise sensitive receivers	means identifying residences or sensitive land users that may be affected by noise from the construction project under this licence
Noise Catchment Area	means groups of sensitive receivers that are similarly affected by noise from the construction works

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## Dictionary

### General Dictionary

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

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

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

Mr Mike Sharpin

Environment Protection Authority

(By Delegation)

Date of this edition: 26-February-2016

# Environment Protection Licence

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## End Notes

2	Licence varied by notice	1541016 issued on 29-Jun-2016
3	Licence varied by notice	1543369 issued on 16-Aug-2016
4	Licence varied by notice	1546633 issued on 17-Nov-2016
5	Licence varied by notice	1550956 issued on 06-Apr-2017
6	Licence varied by notice	1553444 issued on 23-Jun-2017
7	Licence varied by notice	1553876 issued on 07-Jul-2017
8	Licence varied by notice	1554346 issued on 19-Jul-2017
9	Licence varied by notice	1555666 issued on 18-Aug-2017
10	Licence varied by notice	1558788 issued on 17-Nov-2017
11	Licence varied by notice	1559484 issued on 13-Dec-2017
12	Licence varied by notice	1560625 issued on 12-Jan-2018
13	Licence varied by notice	1562108 issued on 22-Mar-2018
14	Licence varied by notice	1563279 issued on 29-Mar-2018
15	Licence varied by notice	1565007 issued on 25-May-2018