

# Environment Protection Licence

Licence - 20673

## Licence Details

Number:	20673
Anniversary Date:	19-October

## Licensee

FERROVIAL AGROMAN (AUSTRALIA) PTY. LTD.

LEVEL 9, 65 BERRY ST

NORTH SYDNEY NSW 2060

## Premises

NORTHERN BEACHES HOSPITAL STAGE 1 AND STAGE 2

NORTHERN BEACHES HOSPITAL CONNECTIVITY AND  
NETWORK ENHANCEMENTS PROJECT

FRENCHS FOREST NSW 2086

## Scheduled Activity

Road construction

## Fee Based Activity

Road construction (&lt;50,000T)

## Scale

0-10 Kilometres

## Region

Metropolitan Infrastructure

Level 13, 10 Valentine Ave

PARRAMATTA NSW 2150

Phone: (02) 9995 5000

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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>FERROVIAL AGROMAN (AUSTRALIA) PTY. LTD.</b>
<b>LEVEL 9, 65 BERRY ST</b>
<b>NORTH SYDNEY NSW 2060</b>

subject to the conditions which follow.

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## 1 Administrative Conditions

### A1 What the licence authorises and regulates

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

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

Scheduled Activity	Fee Based Activity	Scale
Road construction	Road construction (<50,000T)	0 - 10 Kilometres

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

A2.1 The licence applies to the following premises:

Premises Details
NORTHERN BEACHES HOSPITAL STAGE 1 AND STAGE 2
NORTHERN BEACHES HOSPITAL CONNECTIVITY AND NETWORK ENHANCEMENTS PROJECT
FRENCHS FOREST
NSW 2086

A2.2 In relation to Condition A2.1, the premise is defined by the most recently approved premises maps held on EPA file EF15/13382.

A2.3 Where a change to the premises boundary is proposed, revised premises maps detailing the proposed change must be submitted to the EPA for approval.

A2.4 Premises maps are not deemed to be approved by the EPA unless confirmed in writing.

A2.5 The approved premises maps must be available for public viewing on the project website no more than three days after approval of the maps 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.

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

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- 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

P1.3 The sediment basins referred to in Condition P1.2 are active basins identified in the spreadsheet titled *Northern Beaches Hospital Connectivity and Network Enhancements Project Stage 1 - Temporary Sediment Basin Schedule* and maintained on EPA file number EF15/13382.

P1.4 The licensee must notify the EPA in writing, at least 48 hours prior to a sediment basin becoming active or inactive. The notification must include an updated *Temporary Sediment Basin Schedule*.

Note: Sediment basins are only considered active whilst accepting water directly from active construction areas.

## 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.

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## 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

- 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 is only permitted when the discharge occurs solely as a result of rainfall in excess of 32mm over a consecutive 5 day period measured at the premises.
- 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 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 must be carried out in accordance with the *Interim Construction Noise Guideline* (DECC, 2009) to minimise the emission of noise and vibration from the premises.



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## L4 Hours of operation

### L4.1 Standard construction hours

Except as expressly permitted by another condition of this licence, construction work must be limited to the times listed below:

- a) 7:00 am to 6:00 pm Monday to Friday;
- b) 8:00 am to 1:00 pm Saturdays; and
- c) at no time on Sundays or Public Holidays.

### L4.2 Exemptions to standard construction hours for low noise works

The following works and activities may be carried out outside of the hours permitted by Condition L4.1:

a) works or activities that do not cause an airborne noise level [when measured at the boundary of the most affected noise sensitive receiver and using the LAeq(15minute) noise descriptor] that exceeds -

- (i) the day-time rating background level on for the locality by more than 5 dBA during the day-time on Saturdays, Sundays and public holidays; and
- (ii) the evening-time rating background level for the locality by more than 5 dBA during the evening.

b) works or activities that do not cause an airborne noise level (when measured at the boundary of the most affected noise sensitive receiver) that exceeds the night-time rating background level for the locality by more than -

- (i) 5 dBA using the LAeq(15 minute) noise descriptor; and
- (ii) 15 dBA using the LA1(1 minute) noise descriptor.

c) works or activities that do not cause continuous or impulsive vibration values (measured at the most affected residence) greater than the preferred value for residences set out in Table 2.2 of *Assessing Vibration: a technical guideline* (DECC, 2006).

d) works or activities that do not cause intermittent vibration values (measured at the most affected residence) greater than the preferred value for residences set out in Table 2.4 of *Assessing vibration: a technical guideline* (DECC, 2006).

Note: For the purpose of this condition, the terms 'day', 'evening' and 'night' have the same meaning as in the *NSW Industrial Noise Policy* (EPA, 2000).

### L4.3 High noise impact works and activities

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Notwithstanding the standard construction hours permitted by Condition L4.1, high noise impact works and activities must only be undertaken:

- a) between the hours of 8:00am and 6:00pm Monday to Friday;
- b) between the hours of 8:00am and 1:00pm Saturday; and
- c) in continuous blocks not exceeding three (3) hours each with a minimum respite from those works and a of not less than one (1) hour between each block;

except as expressly permitted by another condition of this licence.

Within this condition "continuous" means any period during which there is less than a one hour respite period between ceasing and resuming any of the works or activities that are the subject of this condition.

## L4.4 Approved out of hours works

a) The licensee may undertake works outside of the hours permitted by Condition L4.1 and Condition L4.3 if:

- (i) those works constitute emergency works required to avoid loss of life, damage to property or environmental harm;
- (ii) those works constitute deliveries of oversized plant or structures that have been determined by the police or other authorised authorities to require special arrangements for transport along public roads for safety reasons;
- (iii) the carrying out of those works in compliance with Condition L4.1 and/or Condition L4.3 would cause unacceptable risks to construction personnel safety, public safety, road network operational performance and/or essential utility services;
- (iv) the road authority refuses to issue a road occupancy licence that would allow those works or activities to be carried out in compliance with Conditions L4.1 and L4.3; and/or
- (v) an agreement is reached between the licensee and a substantial majority of potentially affected noise sensitive receivers in accordance with Condition L4.4(b).

b) For works to be permitted by Condition L4.4(a)(v):

- (i) any agreement reached between the licensee and potentially affected noise sensitive receivers must be recorded in writing and submitted to the EPA for approval prior to that agreement being acted upon; and
- (ii) a copy of the agreement must be kept on the premises by the licensee for the duration of this licence.
- (iii) a copy of the agreement (without containing residents personal details), must be kept on the project website for the duration of the agreement.

## L4.5 Limitations on the frequency of evening and night works.

(1) Works permitted by Condition L4.4 must not impact on any noise sensitive receiver:

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- (a) in the case of high noise impact works and activities, more than:
  - (i) 2 consecutive evenings or nights per week; or
  - (ii) 3 evenings or nights per week; or
  - (iii) 10 evenings or nights within a period of 4 consecutive weeks; and

- (b) in the case of any other works or activities, more than:
  - (i) 3 consecutive evenings or nights per week; or
  - (ii) 4 evenings or nights per week,

unless permitted under another condition of this licence.

(2) For the purposes of Condition L4.5(1), the following applies:

(a) “impact” means noise levels generated by the works that, when measured at the boundary of the noise sensitive receiver, are greater than:

(i) at night or in the evening, 5 dBA above the Rating Background Level that applies at the noise sensitive receiver at the time of the works, using the LAeq(15 minute) noise descriptor; and

(ii) at night only, 15 dBA above the RBL that applies at the noise sensitive receiver at the time of the works, using the LA1(1 minute) noise descriptor.

Note: these are the same criteria as specified in condition L4.2 for low noise works.

(b) “evening” and “night” have the same meaning as in the Noise Policy for Industry (EPA, 2017);

(c) the RBLs that apply to a noise sensitive receiver are the evening or night RBLs (as applicable) contained in the Northern Beaches Hospital Road Connectivity and Network Enhancement Project Stage 2 Environmental Impact Statement (RMS, July 2015). Alternatively, the licensee may use another RBL determined in accordance with the Noise Policy for Industry (EPA, 2017) that is provided to the EPA prior to carrying out any works or activities under Condition L4.4; and

(d) a “week” is a period of seven days starting on a Monday and ending on a Sunday.

## L4.6 Notification of approved out of hours works

a) The licensee must notify potentially affected noise sensitive receivers of any out of hours works permitted by Condition L4.4. This notification must be made not less than 5 days and not more than 14 days before those works are to be undertaken.

b) The notification required by paragraph (a) of this condition must be:

- (i) by letterbox drop; and
- (ii) be detailed on the project website.

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

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- (i) clearly outline the reason why out of hours works are required;
- (ii) include details of relevant time restrictions that apply to the proposed works;
- (iii) clearly outline the location, nature, scope and duration of the proposed works;
- (iv) detail the predicted noise impact of the works on noise sensitive receivers;
- (v) clearly explain how complaints may be made and additional information obtained; and
- (vi) include details of the telephone complaints hotline required by Condition M7.1

L4.7 [Deleted]

L4.8 [Deleted]

L4.9 [Deleted]

L4.10 [Deleted]

L4.11 [Deleted]

L4.12 Works may be undertaken outside of the hours specified in condition L4.1 to facilitate the cut over of a 300mm diameter watermain across Forest Way and Russell Avenue, Frenchs Forest, provided that:

- (a) the cut over works are only undertaken between 8:00pm on Wednesday 25 April 2018 and 5:00am on Thursday 26 April 2018; and
- (b) the preparation works preceding the cut over works occurring between 8:00pm on Sunday 22 April and 5:00am on Monday 23 April; 8pm on Monday 23 April and 5:00am on Tuesday 24 April; and 8:00pm and midnight on Tuesday 24 April; and
- (c) no other works (other than works permitted under condition L4.2) that will impact the same noise sensitive receivers are undertaken outside of standard construction hours for the two days following completion of the cut over works; and
- (d) high noise impact works and works causing noise levels greater than 30dB(A) above the rating background level should not be undertaken between midnight on Sunday 22 April and 5:00am on Monday 23 April, where feasible and reasonable.

L4.13 Works may be undertaken outside the hours specified in licence condition L4.1 to facilitate the Skyline Shops footpath works on Frenchs Forest Road East provided that:

- (a) the works are carried out concurrently with the stormwater drainage works at Allambie Road, Frenchs Forest Road and Daren Street under Road Occupancy Licenses between Monday 07 May 2018 and Friday 15 June 2018;
- (b) the works are undertaken on no more than three nights per week;
- (c) high noise impact works and works causing noise levels greater than 30dB(A) above the rating background level should not be undertaken after midnight where feasible and reasonable; and
- (d) no other works (other than works permitted under condition L4.2) that will impact the same noise sensitive receivers are undertaken outside of standard construction hours for the two days following completion of the footpath works.

L4.14 Works may be undertaken outside the hours specified in licence condition L4.1 to facilitate the traffic switch program of works for the new westbound carriageway at Warringah Road and Wakehurst Parkway and Warringah Road intersections at Forest Way, Hilmer Street and Wakehurst Parkway being carried out under a Road Occupancy Licence between Tuesday 08 May 2018 and Monday 28 May 2018 provided that:

- (a) high noise impact works and activities must be undertaken to ensure that no noise sensitive receiver is

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exposed to noise levels greater than those permitted under condition L4.2 on more than:

- (i) 2 consecutive evenings or nights per week;
- (ii) 3 evenings or nights per week;
- (iii) with the exception of works for the Wakehurst Parkway Intersection being undertaken between Friday 18 May 2018 and Sunday 20 May 2018 and Tuesday 22 May 2018 and Sunday 27 May 2018;
- (b) high noise impact works and works causing noise levels greater than 30dB(A) above the rating background level should not be undertaken after midnight on Sunday 20 May 2018 where feasible and reasonable; and
- (c) no other works (other than works permitted under condition L4.2) that will impact the same noise sensitive receivers are undertaken outside of standard construction hours for the two days following completion of the traffic switch works.

L4.15 [Deleted]

L4.16 [Deleted]

L4.17 [Deleted]

L4.18 [Deleted]

L4.19 Works may be undertaken outside the hours specified in licence condition L4.1 to facilitate the pavement works on Wakehurst Parkway, Frenchs Forest, being carried out under a Road Occupancy Licence between 1900 on Friday 22 June 2018 and 0600 on Monday 25 June 2018 and 1900 on Friday 29 June 2018 and 0600 on Monday 2 July 2018 provided that:

- (a) high noise impact works and works causing noise levels greater than 30dB(A) above the rating background level should not be undertaken after midnight where feasible and reasonable; and
- (b) no other works (other than works permitted under condition L4.2) that will impact the same noise sensitive receivers are undertaken outside of standard construction hours for the two days preceding and the two days following completion of the pavement works.

L4.20 Works may be undertaken outside the hours specified in licence condition L4.1 to facilitate pavement works on the southbound lanes at chainage 385 to 500 and the drainage installation works at chainage 550 across Wakehurst Parkway, Frenchs Forest, being carried out under a Road Occupancy Licence between 2000 on Friday 3 August 2018 and 0500 on Monday 6 August 2018, 2000 on Friday 10 August 2018 and 0500 on Monday 13 August 2018 and 2000 on Friday 17 August 2018 and 0500 Monday 20 August 2018 provided that:

- (a) high noise impact works and works causing noise levels greater than 30dB(A) above the rating background level should not be undertaken after midnight where feasible and reasonable; and
- (b) no other works (other than works permitted under condition L4.2) that will impact the same noise sensitive receivers are undertaken outside of standard construction hours for two consecutive days preceding the first weekend of works, two days in between each weekend of works and two consecutive

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days following the final weekend of works.

L4.21 Works may be undertaken outside the hours specified in licence condition L4.1 to facilitate:

- a) pavement reconstruction works at Forest Way southbound chainage 400 to 500 being carried out under a Road Occupancy Licence between 2000 on Friday 7 September 2018 and 0500 on Monday 10 September 2018;
- b) median installation works at Wakehurst Parkway chainage 300 to 400 being carried out under a Road Occupancy Licence between 2000 on Friday 14 September 2018 and 0500 on Monday 17 September 2018; and
- c) pavement reconstruction works at the intersection of Frenchs Forest Road and Warringah Road being carried out under a Road Occupancy Licence between 2000 on Friday 28 September and 0500 on Monday 1 October 2018

provided that:

- i) high noise impact works and works causing noise levels greater than 30dB(A) above the rating background level should not be undertaken after midnight where feasible and reasonable; and
- ii) no other works (other than works permitted under condition L4.2) that will impact the same noise sensitive receivers are undertaken outside of standard construction hours for the two preceding and two days following the completion of each package of works.

## 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 measures to minimise the emission of dust from the premises.

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## O4 Processes and management

- O4.1 The licensee must maximise the diversion of run-on waters from lands upslope and around the site while land disturbance activities are being undertaken.
- O4.2 The licensee must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.
- O4.3 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.
- O4.4 The licensee must minimise the area of the site that is able to generate suspended material when water runs over it.
- O4.5 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 that may result in sediment mobilisation within the catchment areas of the sediment basins.

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

- O4.6 The sediment basins must be designed (stability, location, type and size), constructed, operated and maintained in accordance with the guidelines set out in the following Managing Urban Stormwater: Soils and Construction publications - Volume 2D: Main road construction (DECC, 2008) and Volume 1 - Blue Book (Landcom, 2004).
- O4.7 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.
- O4.8 The licensee must ensure that sampling points are provided and maintained in an appropriate condition to permit:
  - a) the clear identification of each sediment basin and associated sediment basin discharge point;
  - b) the collection of representative samples of the water discharged from each sediment basin; and
  - c) access to the sampling points at all times by an authorised officer of the EPA.
- O4.9 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.
- O4.10 The licensee must ensure that any flocculants (other than gypsum) used to treat water before discharge from the premises has a 48-hour EC50 (immobilisation) for water fleas and a 96-hour EC50 (imbalance) for fish greater than 100 milligrams per litre.

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Note: In accordance with the EPA Approved Methods Publication any analysis should be undertaken by a laboratory accredited to perform those analyses by an independent accreditation body acceptable to the EPA, such as the National Association of Testing Authorities (NATA) or equivalent.

## **O5 Waste management**

O5.1 The licensee must implement all feasible and reasonable measures to minimise dust, soil or mud from the premises being deposited on public roads in the vicinity of the premises.

## **O6 Other operating conditions**

O6.1 The licensee must ensure all feasible and reasonable noise mitigation measures are implemented to minimise the emission of noise from the activity.

## **5 Monitoring and Recording Conditions**

### **M1 Monitoring records**

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this licence must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

### **M2 Requirement to monitor concentration of pollutants discharged**

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

M2.2 Water and/ or Land Monitoring Requirements



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## 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

- M2.3 For the purposes of Condition M2.1 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 that 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 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 (EPA, 2000).
- M4.2 Vibration monitoring must be carried out in accordance with the following guideline - Assessing Vibration: a technical guideline (DECC, 2006).
- M4.3 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA.
- M4.4 [Deleted]
- M4.5 [Deleted]
- M4.6 [Deleted]
- M4.7 [Deleted]

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M4.8 [Deleted]

M4.9 [Deleted]

M4.10 [Deleted]

## **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.

Note: The rainfall monitoring data collected in compliance with Condition M5.1 can be used to determine compliance with Condition L2.4.

## **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 Reports**

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 or complaints email address.

The report must:

- a) Include -

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- (i) a unique identification number for each complaint;
- (ii) the details required by condition M6.2; and
- (iii) the date and time of the event or incident the subject of the complaint;

b) The complaints received between 12:00pm on that day and 12:00pm on the previous working day; and

c) Be submitted to the email address nominated by the EPA.

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.

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.

## M8 Other monitoring and recording conditions

- M8.1 All erosion and sediment control measures installed on the premises must be inspected and works undertaken to repair and/or maintain these controls. The licensee must record all such inspections including observations and works undertaken to repair and/or maintain erosion and sediment controls.

## 6 Reporting Conditions

### R1 Annual return documents

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
  - 1. a Statement of Compliance,
  - 2. a Monitoring and Complaints Summary,
  - 3. a Statement of Compliance - Licence Conditions,
  - 4. a Statement of Compliance - Load based Fee,
  - 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
  - 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
  - 7. a Statement of Compliance - Environmental Management Systems and Practices.

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

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

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

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

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

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

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

## R2 Notification of environmental harm

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

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

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

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## **R3 Written report**

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- a) where this licence applies to premises, an event has occurred at the premises; or
  - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;
  - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
  - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - g) any other relevant matters.
- R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## **R4 Other reporting conditions**

- R4.1 **Monthly Report**
- The licensee must provide the EPA with a monthly report containing details of all non-compliances with the conditions of this licence and measures taken, or proposed, to prevent a recurrence of such a non-compliances. The report referred to in this condition must be received by the EPA within 15 working days of the end of each month.

## **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.

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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, email address and postal address for contacting each authorised representative.

## **G3 Other general conditions**

G3.1 The licensee must provide potentially affected noise sensitive receivers with the following information at least 14 days prior to the commencement of licensed activities:

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) the noise control measures;

f) the number of the telephone complaints line required by Condition M7.1 and an after hours contact telephone number for out of hours works permitted by Condition L4.4; and

g) the project website address.

## **8 Special Conditions**

### **E1 Special Dictionary**

#### **E1.1 Special Dictionary**

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Term	Meaning
High Noise Impact Works and Activities	means works or activities occurring at or on the ground surface that generate noise with impulsive, intermittent, tonal or low frequency characteristics. Examples include: jack hammering; rock breaking or hammering; impact pile driving; vibratory rolling; cutting or grinding of pavement, concrete or metal; and bitumen milling and profiling.
Project Website	means a website that is under the control of the licensee, contains specific information relating to the project under this licence and which is easily available for viewing by the community.
Background noise level	means the underlying level of noise present in the ambient noise when extraneous noise is removed and excluding noise from the construction project under this licence.
Rating Background Level or (RBL)	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)
noise sensitive receivers	means residences or sensitive land users that may be affected by noise above the Management Level described in the Interim Construction Guideline, Department of Environment and Climate Change (DECC) 2009, from the construction project under this licence.

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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: 19-October-2015

# Environment Protection Licence



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## End Notes

2	Licence varied by notice	1538344 issued on 24-Feb-2016
3	Licence varied by notice	1539553 issued on 13-Apr-2016
4	Licence varied by notice	1541437 issued on 28-Jun-2016
5	Licence varied by notice	1549846 issued on 02-Mar-2017
6	Licence varied by notice	1552903 issued on 07-Jun-2017
7	Licence varied by notice	1552943 issued on 09-Jun-2017
8	Licence varied by notice	1553825 issued on 14-Jul-2017
9	Licence varied by notice	1554747 issued on 28-Jul-2017
10	Licence varied by notice	1554881 issued on 04-Aug-2017
11	Licence varied by notice	1555079 issued on 07-Aug-2017
12	Licence varied by notice	1555361 issued on 16-Aug-2017
13	Licence varied by notice	1555781 issued on 25-Aug-2017
14	Licence varied by notice	1556481 issued on 06-Sep-2017
15	Licence varied by notice	1556880 issued on 22-Sep-2017
16	Licence varied by notice	1557569 issued on 11-Oct-2017
17	Licence varied by notice	1558398 issued on 17-Nov-2017
18	Licence varied by notice	1559474 issued on 06-Dec-2017
19	Licence varied by notice	1559936 issued on 15-Dec-2017
20	Licence varied by notice	1560778 issued on 30-Jan-2018
21	Licence varied by notice	1562465 issued on 02-Mar-2018
22	Licence varied by notice	1563936 issued on 20-Apr-2018
23	Licence varied by notice	1564219 issued on 04-May-2018
24	Licence varied by notice	1565055 issued on 21-May-2018
25	Licence varied by notice	1566087 issued on 19-Jun-2018
26	Licence varied by notice	1566230 issued on 21-Jun-2018
27	Licence varied by notice	1566978 issued on 03-Aug-2018
28	Licence varied by notice	1568182 issued on 09-Aug-2018

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29	Licence varied by notice	1569644 issued on 07-Sep-2018
30	Licence varied by notice	1570226 issued on 19-Oct-2018
31	Licence transferred through application	1571401 approved on 22-Oct-2018 , which came into effect on 22-Oct-2018
32	Licence varied by notice	1586914 issued on 07-Feb-2020