

# Licence Variation

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Licence - 20713

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

Attention: Martin Mulhearn

Notice Number 1609971  
File Number EF15/14860  
Date 02-Jul-2021

## NOTICE OF VARIATION OF LICENCE NO. 20713

### BACKGROUND

- A. LAING O'ROURKE AUSTRALIA CONSTRUCTION PTY LTD ("the licensee") is the holder of Environment Protection Licence No. 20713 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at ("the premises").
- B. On 23-Jun-2021 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. The licensee requested reporting condition R4.1 be deleted due to the fact the project is now operational.
- D. The licensee requested the removal of fee-based activities; Crushing, grinding, and separating and extractive activities from the licensee as the road is now operational and neither of these activities are occurring on the premises.
- E. As other conditions in the licence refer to condition R4.1, rather than deleting it, this condition has been amended.

### VARIATION OF LICENCE NO. 20713

1. By this notice the EPA varies licence No. 20713. 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 R4.1 has been amended to now include: Once the road is operational, the licensee is no longer required to submit monthly reports to the EPA.
  - Fee-based activity; Crushing, grinding and separating has been removed.

# Licence Variation

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- Fee-based activity; Extractive activities has been removed

*Bryce Gorham*

.....  
**Bryce Gorham**  
**Unit Head, Regulatory Operations**  
**Environment Protection Authority**  
(by Delegation)

## INFORMATION ABOUT THIS NOTICE

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

## Appeals against this decision

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

## When this notice begins to operate

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



# Environment Protection Licence

Licence - 20713

Licence Details	
Number:	20713
Anniversary Date:	29-January

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

Premises
WOOLGOOLGA TO BALLINA PACIFIC HIGHWAY UPGRADE PROJECT
HARWOOD NSW 2465

Scheduled Activity
Road construction

Fee Based Activity	Scale
Road construction (<50,000T)	> 30 Kilometres

Contact Us
NSW EPA
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150
Phone: 131 555
Email: <a href="mailto:info@epa.nsw.gov.au">info@epa.nsw.gov.au</a>
Locked Bag 5022
PARRAMATTA NSW 2124



# Environment Protection Licence

Licence - 20713

<b>INFORMATION ABOUT THIS LICENCE</b>	4
Dictionary	4
Responsibilities of licensee	4
Variation of licence conditions	4
Duration of licence	4
Licence review	4
Fees and annual return to be sent to the EPA	4
Transfer of licence	5
Public register and access to monitoring data	5
<b>1 ADMINISTRATIVE CONDITIONS</b>	6
A1 What the licence authorises and regulates	6
A2 Premises or plant to which this licence applies	6
A3 Information supplied to the EPA	7
<b>2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND</b>	8
P1 Location of monitoring/discharge points and areas	8
<b>3 LIMIT CONDITIONS</b>	9
L1 Pollution of waters	9
L2 Concentration limits	10
L3 Waste	12
L4 Blasting	13
L5 Hours of operation	13
<b>4 OPERATING CONDITIONS</b>	16
O1 Activities must be carried out in a competent manner	16
O2 Maintenance of plant and equipment	16
O3 Dust	16
O4 Emergency response	16
O5 Processes and management	16
O6 Other operating conditions	17
<b>5 MONITORING AND RECORDING CONDITIONS</b>	18
M1 Monitoring records	18
M2 Requirement to monitor concentration of pollutants discharged	18
M3 Testing methods - concentration limits	20
M4 Weather monitoring	20
M5 Recording of pollution complaints	20
M6 Telephone complaints line	21



# Environment Protection Licence

Licence - 20713

M7	Other monitoring and recording conditions	21
6	REPORTING CONDITIONS	22
R1	Annual return documents	22
R2	Notification of environmental harm	23
R3	Written report	23
R4	Other reporting conditions	24
7	GENERAL CONDITIONS	24
G1	Copy of licence kept at the premises or plant	24
G2	Contact number for incidents and responsible employees	24
8	SPECIAL CONDITIONS	25
E1	Special Dictionary - Definitions specific to this licence	25
DICTIONARY		26
General Dictionary		26

# Environment Protection Licence

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Licence - 20713

## 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).



# Environment Protection Licence

Licence - 20713

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:

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

subject to the conditions which follow.



# Environment Protection Licence

Licence - 20713

## 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)	> 30 Kilometres

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

A2.1 The licence applies to the following premises:

Premises Details
WOOLGOOLGA TO BALLINA PACIFIC HIGHWAY UPGRADE PROJECT
HARWOOD
NSW 2465
SECTIONS 3 -11 AS DEFINED BY THE WOOLGOOLGA TO BALLINA UPGRADE PROJECT PREMISES BOUNDARY DRAWINGS HELD ON FILE IN THE EPA GRAFTON OFFICE (APPROXIMATELY BETWEEN PROJECT CHAINAGES 34,200 AND 159,500)

- A2.2 In relation to Condition A2.1, the premise is defined as the most recently approved licence boundary detailed on the Project drawings titled "EPL Premise Boundary Plans", as stored in the Permits and Licensing Management System (PALMS) database kept by the EPA. The application, drawings and supporting documents are electronically filed in Trim file EF15/14860.
- A2.3 Where a change to the premise boundary within the approved project boundary is proposed, revised premise boundary maps detailing the proposed change must be submitted to the EPA for approval not less than 10 business days prior to the proposed change being implemented. The licensee must demonstrate that any changes have been assessed in accordance with the Environmental Planning and Assessment Act 1979 and that any environmental impacts can be managed in an appropriate manner.
- A2.4 Premise maps are not deemed to be approved by the EPA unless confirmed as such in writing by the EPA.



# Environment Protection Licence

Licence - 20713

- A2.5** The following activities are excluded from the definition of construction in the Minister of Planning's Conditions of approval and are included here for consistency as required by section 89(K) of the Environmental Planning and Assessment Act 1979, and may be undertaken outside of the Environment Protection Licence premises boundary:
- (a) survey works including general alignment survey and survey controls (including installation of global positioning system (GPS), repeater stations, survey of existing and future utilities or building/road dilapidation surveys.
  - (b) further investigations including investigative drilling, excavation or salvage.
  - (c) establishing approved ancillary facilities/construction work sites in locations meeting the requirements of the conditions of approval and approved by the Environmental Representative or Secretary. This includes the establishment of ancillary facilities access roads and the provision of services to the facility and installation of erosion and sedimentation controls. Operation of approved ancillary facilities must not commence until they have been included in the EPL premises boundary.
  - (d) installation of temporary exclusion fencing for sensitive areas, at-house acoustic treatments and measures identified in approved strategies, plans, programs and other documents required by the Ministers conditions of approval, boundary fencing and vegetation planting.
  - (e) property acquisition adjustment works including the installation of property fencing, demolition and removal of buildings, relocation of utilities to property (including water supply and electricity).
  - (f) utilities adjustments where an approved Environment Work Method Statement has been prepared in consultation with EPA.
  - (g) existing road network adjustments including minor upgrades to existing local roads and the existing Pacific Highway network, upgrade of existing intersections to cater for construction traffic, installation of temporary and permanent project signage and line marking required for the approved project.
  - (h) minor clearing or translocation of native vegetation associated with (a) to (g) above.
  - (i) other activities determined in consultation and agreed by the EPA to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc).

**Note:** All works associated with the project must be undertaken in accordance with the Project's Conditions of Approval, the Project's approved Construction Environmental Management Plan and any other relevant laws

## **A3 Information supplied to the EPA**

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

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

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

# Environment Protection Licence

Licence - 20713

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

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

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

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
5	Dust deposition monitoring		Adjacent to sensitive receivers in accordance with the Australian Standard AS/NZS 3580.1.1:2007 and as agreed with the EPA in writing.

P1.2 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.

P1.3 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.

<i>Water and land</i>			
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge water quality	Discharge water quality	The outlet from sediment basins referred to in condition P1.5 of this licence.
2	Discharge water quality	Discharge water quality	Standard land irrigation areas referred to in condition P1.5 of this licence.
3	Discharge water quality.	Discharge water quality.	The outlet for sediment basins or release points from acid sulphate soil treatment area/s in estuarine reaches of waters referred to in condition P1.5 of this licence.
4	Discharge water quality	Discharge water quality	The outlet for sediment basins or release points from acid sulphate soil treatment area/s in freshwater reaches of waters referred to in condition P1.5 of this licence.
7	Discharge water quality	Discharge water quality	Special land irrigation areas.

P1.4 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

# Environment Protection Licence

Licence - 20713

## Noise/Weather

EPA identification no.	Type of monitoring point	Location description
6	Noise monitoring	Various as required to comply with licence conditions L5.2(d), M6.5 and M6.6.

- P1.5 For the purpose of this licence the discharge points referred to at condition P1.2 and P1.3 of this licence are those from sediment basins and land irrigation areas identified in the Pacific Highway Upgrade - Woolgoolga to Ballina - Sections 3-11 Water Discharge Schedule as contained in EPA file EF15/14860.
- P1.6 The licensee, in commissioning a new sediment basin, may only vary the discharge point locations identified in Condition P1.2 and P1.3 if it provides the EPA with a copy of the revised document/s identified at Condition P1.5 of this licence, at least 7 days prior to the commissioning on the premises, unless otherwise agreed to in writing by the EPA for each new activity.
- P1.7 The licensee, in decommissioning an existing sediment basin, may only vary the discharge point locations identified in Condition P1.2 and P1.3 if it provides the EPA with a copy of the revised document/s identified at Condition P1.5 of this licence, at least 21 days prior to the decommissioning on the premises, unless otherwise agreed to in writing by the EPA for each decommissioning activity.
- P1.8 Irrigation of water to any standard irrigation area must be carried out in a manner such that:
1. Vegetation is not damaged;
  2. Soil erosion and soil structure damage is avoided;
  3. Water must not pond or pool and cause waterlogging of soils;
  4. The quality of surfacewater and groundwater is not adversely affected.
  5. Water is irrigated in a manner which maximises evaporation, transpiration and infiltration and does not result in water flowing from the irrigation area into any waters.
- P1.9 The licensee must develop and implement appropriate procedures for the operation and management of any standard land irrigation area.
- P1.10 Utilisation of any special irrigation area is permitted only with the written agreement of the EPA. An irrigation plan supported by an appropriately qualified and experienced ecologist must be prepared. The irrigation plan must address discharge water quality, soil characteristics, impact to flora, impact to fauna, hydrology and monitoring of performance.
- P1.11 Irrigation is not deemed to include activities undertaken for the purposes of dust suppression.

## 3 Limit Conditions

### L1 Pollution of waters



# Environment Protection Licence

Licence - 20713

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				Nil
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
Oil and Grease	Visible				Nil
pH	pH				6.5 - 8.5

### POINT 3

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Aluminium (dissolved)	milligrams per litre				0.055

# Environment Protection Licence

Licence - 20713

Conductivity	microsiemens per centimetre	1500
Iron (dissolved)	milligrams per litre	0.3
Oil and Grease	Visible	Nil
pH	pH	6.5 - 8.5
Total suspended solids	milligrams per litre	50

## POINT 4

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Aluminium (dissolved)	milligrams per litre				0.055
Conductivity	microsiemens per centimetre				200
Iron (dissolved)	milligrams per litre				0.3
Oil and Grease	Visible				Nil
pH	pH				6.5 - 8.5
Total suspended solids	milligrams per litre				50

## POINT 7

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil and Grease	Visible				Nil

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 identified by Conditions P1.2 and P1.3 is only permitted when the discharge occurs solely as a result of rainfall measured at the premises. The rainfall must exceed the 5 day rainfall depth value for the corresponding discharge point in the table below over a consecutive 5 day period for discharge to be considered to occur solely as a result of rainfall.

# Environment Protection Licence

Licence - 20713

Basin Classification	Location	Design 5 day rainfall depth	SPIR Chainage Range
85th Percentile Sediment Basins	Grafton	37.2mm	33770 - 82000
80th Percentile Sediment Basins	Grafton	29.0mm	33770 - 82000
85th Percentile Sediment Basins	Harwood	48.1mm	82000 - 111100
80th Percentile Sediment Basins	Harwood	39.1mm	82000 - 111100
85th Percentile Sediment Basins	Evans Head RAAF Range	54.1mm	111100 - 145100
80th Percentile Sediment Basins	Evans Head RAAF Range	43.9mm	111100 - 145100
85th Percentile Sediment Basins	Ballina	62mm	145100 - 164500
80th Percentile Sediment Basins	Ballina	50.1mm	145100 - 164500

L2.6 The concentration limit for Iron (dissolved) and Aluminium (dissolved) is deemed not to have been breached if:

- (a) The sample complied with the pH limit at the time of discharge; and
- (b) The EPA is advised within 3 working days of completion of testing of any Iron (dissolved) and Aluminium (dissolved) results above the licence limit.

Note: The purpose of this condition is to expedite the assessment and subsequent discharge of the treated water from the acid sulfate soil treatment areas. The correlation between Iron (dissolved) and Aluminium (dissolved) and pH will be subject to ongoing review based on the test results.

- L2.7 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.
- L2.8 The licensee must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.
- L2.9 The licensee must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.
- L2.10 The licensee must provide the EPA with any amendments the licensee makes to the statistical correlation as a result of the ongoing verification required by Condition L2.8 before using the revised statistical correlation.

## L3 Waste

- L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.

# Environment Protection Licence

Licence - 20713

- L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

## L4 Blasting

- L4.1 Ground vibration peak particle velocity and overpressure from blasting operations at the premises must not exceed those limits detailed in the project conditions of approval, which are:

The overpressure level from blasting operations at the premises must not exceed 125dB (Lin Peak) at any time.

Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time

- L4.2 Ground vibration peak particle velocity from the blasting operation must not exceed 5mm/s for 95% of blasts over each reporting period.

- L4.3 The overpressure level from blasting operations must not exceed 120 dBL for 95% of blasts over each reporting period.

- L4.4 To determine compliance with conditions L4.1 to L4.3

a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the most affected residence or noise sensitive location that is not owned by the licensee or subject to a private agreement between the owner of the premises or noise sensitive location for all blasts carried out in or on the premises; and

b) Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded;

c) Instrumentation to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2006

## L5 Hours of operation

- L5.1 Standard construction hours

# Environment Protection Licence

Licence - 20713

Unless otherwise specified by any other condition of this licence, all construction activities must only be carried out during the standard operating hours listed in the table below:

Day	Time
Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 5:00pm
Sunday or Public Holiday	NIL

## L5.2 Exemptions to standard construction hours

The five categories of works that may be undertaken outside the standard construction hours permitted by Condition L5.1 are:

- a) the delivery of oversized plant or structures that police or other authorised authorities determine require special arrangements to transport along public roads;
  - b) emergency work to avoid the loss of lives or property, or to prevent environmental harm;
  - c) construction works undertaken through sparsely populated areas in which sensitive receptors are located greater than 200 metres away from the project boundary. In this case construction (but not including blasting, pile driving, rock hammering and other high noise activities) is permissible during the following hours: 6:00am to 7:00pm Monday to Friday and at no time on Public Holidays. All feasible and reasonable mitigation and management measures should be implemented prior to works commencing.
- These work hours may be revoked in the case of excessive or unresolved noise complaints.
- d) works that are not more than 5 dB(A) over the rating background level at the nearest noise sensitive receiver as assessed by acoustic investigation.
  - e) maintenance and repair of public infrastructure where disruption to essential services and/or considerations of worker safety do not allow work within standard hours.

The licensee must notify the EPA monthly prior to the undertaking of any works referred to in Condition L5.2 a) as well as providing the EPA with a copy of the results of any acoustic investigation made in relation to Condition L5.2 d) to be reported as per condition R4.1.

**Note:** Acoustic investigation means sound pressure levels measured by an appropriately qualified and experienced person, and supported with appropriate contemporaneous notes about the sound environment.

## L5.3 Works agreed outside of standard construction hours

The licensee may undertake works outside of standard construction hours if agreement between the licensee and representatives of potentially affected noise sensitive receivers has been reached. Any agreement(s) between the licensee and the potentially affected noise sensitive receivers 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.



# Environment Protection Licence

Licence - 20713

## L5.4 Out of hours works implemented in accordance with the Project's Conditions of Approval

The licensee may also undertake critical out-of-hours works where it has been demonstrated to the EPA's satisfaction that:

- a) There is a demonstrated technical justification that the works outside of the standard construction hours are necessary for the completion of the works; and
- b) All reasonable measures have been undertaken to consult with any affected sensitive receptors prior to each occasion that out-of hours works are proposed under this condition; and
- c) The works have been assessed and approved by the NSW Department of Planning and Environment independent Environmental Representative; and
- d) Consultation has been undertaken with the relevant parties including the EPA, Roads and Maritime, DPE and Council as outlined in an approved Construction Noise and Vibration Management Plan; and
- e) Any works undertaken through these provisions are to be reported in accordance with condition R4.1

## L5.5 Blasting hours

Unless otherwise specified by another condition of this licence, blasting must only be carried out during the operating hours in the table below:

Day	Time
Monday to Friday	9:00am to 5:00pm
Saturday	9:00am to 1:00pm
Sunday or Public Holidays	NIL

Note: Where compelling safety reasons exist, the EPA may permit a blast to occur outside the above hours. A prior written request for approval of any such blast must be made to the EPA and be supported with justification to the satisfaction of the EPA.

## L5.6 Work generating high noise impact

Any work generating high noise impact, excluding blasting operations covered in Condition L5.6, must only be undertaken:

- a) between the hours of 8:00am and 5:00pm Monday to Friday;
- b) between the hours of 8:00am and 1:00pm Saturday; and
- c) 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.

# Environment Protection Licence

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Licence - 20713

## 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 All operations and activities occurring at the premises must be carried out in a manner that will minimise the generation and emission of dust.

Note: Deposited dust levels are assessed against the criteria identified in the Approved methods publication for the modelling and assessment of air pollutants in NSW, published by the Department of Environment and Conservation August 2005.

### O4 Emergency response

Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. Details of the requirements can be found on the EPA website via the following link <http://www.epa.nsw.gov.au/legislation/poefaqspirmps.htm>

### O5 Processes and management

O5.1 All works must be carried out in accordance with the "Interim Construction Noise Guideline", DECC July 2009 to minimise the emission of noise and vibration from the premises.

O5.2 The licensee must maximise the diversion of water from land upslope, around or through the site, in a manner that minimises any impact on the sites sedimentation and erosion controls.

O5.3 The licensee must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

# Environment Protection Licence

Licence - 20713

- O5.4 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.
- O5.5 The licensee must minimise the area of the site that is able to generate suspended material when water runs over it.
- O5.6 Unless otherwise approved in writing by the EPA, where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any 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.
- O5.7 The sediment basins and other erosion and sediment controls must be planned, 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 2006.
- O5.8 All erosion and sediment control measures installed on the premises must be inspected and works undertaken to repair and/or maintain these controls:
- weekly during normal construction hours outlined in Condition L5.1;
  - daily during periods of rainfall; and
  - within 24 hours of the cessation of a rainfall event causing runoff to occur on or from the premises.
- The licensee must record all such inspections including observations and works undertaken to repair and/or maintain erosion and sediment controls.
- O5.9 The licensee must ensure the design storage capacity of the sediment basins 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.
- O5.10 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:
- the clear identification of each sediment basin and discharge point;
  - the collection of representative samples of the water discharged from the sediment basin(s); and
  - access to the sampling point(s) at all times by an authorised officer of the EPA.
- O5.11 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.

## O6 Other operating conditions

- O6.1 All liquid chemicals, fuels and oils must be stored in containers inside suitable bund(s).
- O6.2 The licensee must ensure that the bund(s) are designed, constructed and maintained in accordance with the information on the EPA website relating to Bunding and Spill Management available at the following location <http://www.epa.nsw.gov.au/mao/bundingspill.htm>.

# Environment Protection Licence

Licence - 20713

## 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 Air Monitoring Requirements

#### POINT 5

Pollutant	Units of measure	Frequency	Sampling Method
Solid Particles	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003

#### M2.3 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

# Environment Protection Licence

Licence - 20713

## POINT 2

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	Visible	Special Frequency 1	Visual Inspection
pH	pH	Special Frequency 1	Probe

## POINT 3

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium (dissolved)	milligrams per litre	Special Frequency 1	Grab sample
Conductivity	microsiemens per centimetre	Special Frequency 1	Probe
Iron (dissolved)	milligrams per litre	Special Frequency 1	Grab sample
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 4

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium (dissolved)	milligrams per litre	Special Frequency 1	Grab sample
Conductivity	millisiemens per centimetre	Special Frequency 1	Probe
Iron (dissolved)	milligrams per litre	Special Frequency 1	Grab sample
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 7

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	Visible	Special Frequency 1	Visual Inspection

Note: Special Frequency 1 means <24 hours prior to a controlled/scheduled discharge and daily for any continued controlled/scheduled discharge.

## M2.4 Noise Monitoring Requirements

Monitoring Point	Pollutant	Units of measure	Frequency	Sampling Method
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# Environment Protection Licence

Licence - 20713

6	Noise	dB(A)	As required in accordance with condition L5.2(d).	Australian Standard 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.
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## M3 Testing methods - concentration limits

- M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
  - if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
  - if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

- M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

## M4 Weather monitoring

- M4.1 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.
- M4.2 The rainfall monitoring data collected in compliance with Condition M4.1 can be used to determine compliance with Condition L2.5.

## M5 Recording of pollution complaints

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

# Environment Protection Licence

Licence - 20713

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

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

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

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

## **M6 Telephone complaints line**

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

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

**M6.3** The preceding two conditions do not apply until three months the date of the issue of this licence.

**M6.4** Prior to the commencement of the licensed activity, the licensee must ensure the project's website provides ready access to clear and concise information about:

- a) how to make a complaint on the telephone complaints line referred to in Condition M6.1; and
- b) how complaints on the telephone complaints line will be processed.

**Note:** where no project website currently exists, a website for this purpose must be created.

**M6.5** In response to any noise or vibration complaint made by any person/s or bodies other than the EPA, the licensee must:

- a) investigate the complaint within 2 hours of the complaint being received or within the timeframe agreed with the complainant;
- b) offer to attend the complainant's premises to undertake noise or vibration monitoring at the complainant's premises as soon as is practical, or at a time agreed with the complainant; and
- c) advise the complainant of the results of the investigation and any proposed remedial action.

**M6.6** In response to any complaint referred by the EPA to the licensee, the licensee must respond to the referred complaint in a manner and timeframe specified by the EPA.

## **M7 Other monitoring and recording conditions**

**M7.1** Noise monitoring must be carried out by an appropriately qualified and experienced person 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.



# Environment Protection Licence

Licence - 20713

- M7.2 Vibration monitoring must be carried out by an appropriately qualified and experienced person 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.
- M7.3 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA.

## 6 Reporting Conditions

### R1 Annual return documents

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

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

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

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

- R1.3 Where this licence is transferred from the licensee to a new licensee:
- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
  - b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

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

- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

- R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a





# Environment Protection Licence

Licence - 20713

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.

## 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

# Environment Protection Licence

Licence - 20713

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 The licensee must provide the EPA with a Monthly Report containing the following information:
- a) details of all non-compliances with the conditions of this licence and measures taken, or proposed, to prevent a recurrence of such a non-compliance; and
  - b) details of all discharges from the sediment basins where the water quality results exceed the limits prescribed by Condition L2.4;
  - c) details of rainfall received over the reporting period as prescribed by condition M4.1 to demonstrate compliance with Condition L2.5;
  - d) details of the results of any acoustic investigation/s made in relation to condition L5.2 d), M6.5 and M6.6;
  - e) details of any complaints received in relation to the works governed by this licence as prescribed by condition M5.1; and
  - f) details of any blast monitoring carried out as prescribed by condition L4.4.
  - g) details of any dust monitoring results as per condition P1.1
- The report referred to in this condition must be received by the EPA within 10 working days of the end of each month.
- Once the road is operational the licensee is no longer required to submit monthly reports to the EPA.

## 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.
- Note: Condition G1.1 above only applies from the time that the site office associated with the activities permitted by this licence is established.

### 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 the licence.



# Environment Protection Licence

Licence - 20713

- 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.

## 8 Special Conditions

### E1 Special Dictionary - Definitions specific to this licence

E1.1 In this licence, unless the contrary is indicated, the terms below have the following meaning:

TERM	MEANING
Noise Sensitive Locations	Means buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30m of the building.
NSW Industrial Noise policy	Means the document titled "NSW Industrial Noise Policy" published by the Environment Protection Authority in January 2000.
Works Generating High Noise Impacts	Means an LAeq(15min) noise measurement of 75dB(A) as described in the document titled "Interim Construction Noise guideline" published by the Department of Environment and Climate Change in July 2009.
Standard irrigation areas	Means irrigation areas that are consistent with the requirements listed in condition P1.8 of this licence.
Special irrigation areas	Means those irrigation areas where irrigation is carried out in a manner that is consistent with requirements of condition P1.10 of this licence

# Environment Protection Licence

Licence - 20713

## 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

# Environment Protection Licence

Licence - 20713

<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> .



# Environment Protection Licence

Licence - 20713

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

Mr Brett Nudd

Environment Protection Authority

(By Delegation)

Date of this edition: 29-January-2016

End Notes		
2	Licence varied by notice	1542597 issued on 19-Jul-2016
3	Licence varied by notice	1544989 issued on 02-Nov-2016
4	Licence varied by notice	1553327 issued on 23-Jun-2017
5	Licence varied by notice	1571421 issued on 06-Dec-2018