

Licence Variation

Licence - 20533



ACCIONA INFRASTRUCTURE AUSTRALIA PTY LTD
ABN 52 140 915 251
PO BOX 254
MACKSVILLE NSW 2447

Attention: Ms Noelene Rutherford

Notice Number 1529088
File Number EF14/4301
Date 16-Mar-2015

NOTICE OF VARIATION OF LICENCE NO. 20533

BACKGROUND

- A. ACCIONA INFRASTRUCTURE AUSTRALIA PTY LTD (“the licensee”) is the holder of Environment Protection Licence No. 20533 (“the licence”) issued under the *Protection of the Environment Operations Act 1997* (“the Act”). The licence authorises the carrying out of activities at PACIFIC HIGHWAY, NAMBUCCA HEADS, NSW, 2448 (“the premises”).
- B. On 27-Feb-2015 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. In the licence variation application the licensee requested that condition A2.2 be varied to allow for:
- The extension of the premise boundary to include a new northern compound site located off Old Coast Road in North Macksville; and
 - The extension of the premise boundary to include temporary access road works to allow temporary access to the site north of the flying fox colony south of Macksville.
- A new series of premise maps was provided (identified as Pacific Highway Upgrade WC2NH EPL, Revision 4, Dated 24 February 2015) to the EPA which identifies both of the requested changes to the premise boundary.
- D. The EPA has reviewed the application with consideration of matters identified in section 45 of the Act and is satisfied the variation requested has been approved in accordance with the *Environmental Planning and Assessment Act 1979* and can be managed in a manner which will provide an appropriate level of environmental protection.
- E. The EPA has therefore approved the application.
- F. The EPA has also corrected a minor administrative error in condition R1.8 c) that requires details of the results of any acoustic investigation made in relation to condition L4.2 c) to be provided in the monthly report; and should have read in relation to condition L4.2 d).

Licence Variation



VARIATION OF LICENCE NO. 20533

1. By this notice the EPA varies licence No. 20533. 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 A2.2 was amended to reflect the current set of approved Premise Maps; and
 - The EPL premise boundary has been extended to include the two additional sites for the temporary access road south of Macksville and the northern compound site off Old Coast Road north of Macksville.
 - The EPA also corrected a minor administrative error in condition R1.8 c) which refers to condition L4.2 c) and should have read L4.2 d).

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Brett Nudd
Manager North Coast Region
North - North Coast
(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

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the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

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Licence Details

Number:	20533
Anniversary Date:	16-December

Licensee

ACCIONA INFRASTRUCTURE AUSTRALIA PTY LTD

PO BOX 254

MACKSVILLE NSW 2447

Premises

WARRELL CREEK TO NAMBUCCA HEADS PACIFIC HWY
UPGRADE PROJECT

PACIFIC HIGHWAY

NAMBUCCA HEADS NSW 2448

Scheduled Activity

Crushing, Grinding or Separating

Extractive Activities

Road Construction

Fee Based Activity

Scale

Crushing, grinding or separating	> 500000-2000000 T processed
Land-based extractive activity	> 2000000 T extracted, processed or stored
Road construction	> 10-30 km constructed, widened or re-routed

Region

North - North Coast

NSW Govt Offices, 49 Victoria Street

GRAFTON NSW 2460

Phone: (02) 6640 2500

Fax: (02) 6642 7743

PO Box 498 GRAFTON

NSW 2460

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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:

ACCIONA INFRASTRUCTURE AUSTRALIA PTY LTD

PO BOX 254

MACKSVILLE NSW 2447

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
Crushing, Grinding or Separating	Crushing, grinding or separating	> 500000 - 2000000 T processed
Extractive Activities	Land-based extractive activity	> 2000000 T extracted, processed or stored
Road Construction	Road construction	> 10 - 30 km constructed, widened or re-routed

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
WARRELL CREEK TO NAMBUCCA HEADS PACIFIC HWY UPGRADE PROJECT
PACIFIC HIGHWAY
NAMBUCCA HEADS
NSW 2448
THE 20 KILOMETRE WARRELL CREEK TO NAMBUCCA HEADS UPGRADE COMMENCES AT THE NORTHERN END OF THE EXISTING DUAL CARRIAGEWAY HIGHWAY AT ALLGOMERA AND EXTENDS TO NAMBUCCA HEADS (BETWEEN CHAINAGES 41500 AND 61300).

A2.2 In relation to Condition A2.1, the premises is defined as the EPL boundary detailed on the project drawings titled "PACIFIC HIGHWAY UPGRADE WC2NH EPL" maps 1 to 14, Revision 4, dated 24 February 2015 provided to the EPA with the licence application and supporting documents. The application, drawings and supporting documents are electronically filed under EPA file EF14/4301 within the EPA's Electronic Document Management System (EDRMS).

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

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Ancillary Activity

Sewage Treatment

A4 Information supplied to the EPA

- A4.1 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.

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

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

Water and land

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 P1.3 of this licence.
2	Discharge to Land Irrigation Area/s from sediment basins.	Discharge to Land Irrigation Area/s from sediment basins.	Land irrigation areas referred to in condition P1.4 of this licence.
3	Discharge Water Quality	Discharge Water Quality	The outlet for sediment basins from the acid sulfate soil treatment area/s (other than the estuarine reaches of the Nambucca River and Warrell Creek) referred to in condition P1.5 of this licence.
4	Discharge Water Quality	Discharge Water Quality	The outlet for sediment basins from the acid sulfate soil treatment area/s (to estuarine reaches of the Nambucca River and Warrell Creek) referred to in condition P1.6 of this licence.

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- P1.3 For the purposes of this licence, the sediment basins referred to in Discharge Point 1 of Condition P1.2 of this licence are those identified in Table 1 (85th percentile) and Table 2 (80th percentile) of the WC2NH Sediment Basin and Irrigation Register as filed on EPA file EF14/4301, including future revisions.
- P1.4 For the purpose of this licence, the land irrigation areas referred to in Discharge Point 2 of Condition P1.2 of this licence are those identified in Table 3 of the WC2NH Sediment Basin and Irrigation Register as revised and retained on EPA file EF14/4301.
- P1.5 For the purposes of this licence, the acid sulfate soil treatment area/s referred to in Discharge Point 3 of Condition P1.2 of this licence are those identified in Table 4 of the WC2NH Sediment Basin and Irrigation Register as filed in EPA file EF14/4301.
- P1.6 For the purpose of this licence, the acid sulfate soil treatment area/s referred to in Discharge Point 4 of Condition P1.2 of this licence are those identified in Table 5 the WC2NH Sediment Basin and Irrigation Register as filed in EPA file EF14/4301.
- P1.7 The licensee, in commissioning a new sediment basin or land irrigation area, may only vary the discharge point locations identified in Condition P1.1 and P1.2 if it provides the EPA with a copy of the revised document/s identified at Condition P1.3, P1.4, P1.5 and P1.6 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.
- P1.8 The licensee, in decommissioning a new sediment basin or land irrigation area, may only vary the discharge point locations identified in Condition P1.1 and P1.2 if it provides the EPA with a copy of the revised document/s identified at Condition P1.3, P1.4, P1.5 and P1.6 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 new activity.

3 Limit Conditions

L1 Pollution of waters

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

L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.
- L2.4 Water and/or Land Concentration Limits

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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
Conductivity	microsiemens per centimetre				200
Iron (dissolved)	milligrams per litre				0.3
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
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Aluminium (dissolved)	milligrams per litre	0.055
Conductivity	micrograms per cubic metre	1500
Iron (dissolved)	milligrams per litre	0.3
pH	pH	6.5 - 8.5
Total suspended solids	milligrams per litre	50

- L2.5 Exceeding the limits specified for Point 1 in Condition L2.4 of this licence for pH and total suspended solids (TSS) for discharges from the sediment basins identified by Conditions P1.1 and P1.2 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 the discharge to be considered to occur solely as a result of rainfall.

Classification of Basin	Design 5 day rainfall event (mm)	Design 2 day rainfall event (mm)
80th percentile sediment basins	40	24
85th percentile sediment basins	49	N/A

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

- The sample complied with the pH limit at the time of discharge; and
- 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

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as a result of the ongoing verification required by Condition L2.8 before using the revised statistical correlation.

L3 Blasting

- L3.1 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time. 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.
- L3.2 The overpressure level from blasting operations at the premises must not exceed 115dB (LinPeak) for more than five per cent of the total number of blasts over each reporting period. 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.
- L3.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time. 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.
- L3.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period. 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.
- L3.5 To determine compliance with condition(s) L3.1 and L3.3
- 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 and the licensee for all blasts carried out in or on the premises; and
 - b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

L4 Hours of operation

L4.1 Standard construction hours

Unless otherwise specified by any other condition of this licence, all construction activities are:

- a) restricted to between the hours of 7:00am and 6:00pm Monday to Friday;
- b) restricted to between the hours of 8:00am and 1:00pm Saturday; and
- c) not to be undertaken on Sundays or Public Holidays.

L4.2 Exemptions to standard construction hours

The four categories of works that may be undertaken outside the standard hours of operation permitted by Condition L4.1 are:

- a) the delivery of oversized plant or structures that police or other authorised authorities determine require

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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 300 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 6:00pm Monday to Friday and 7:00am to 4:00pm Saturdays and at no time on Sundays or 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.

The licensee must notify the EPA monthly prior to the undertaking of any works referred to in Condition L4.2 a) and d) as well as providing the EPA with a copy of the results of any acoustic investigation made in relation to Condition L4.2 d) to be reported as per condition R1.8.

L4.3 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.

L4.4 The licensee must notify, by letterbox drop and by detailing works on the project website, potentially affected noise sensitive receivers of the timing and duration of work agreed to under Condition L4.3 at least 48 hours prior to that work commencing. A copy of the notification must be kept by the licensee and made available to the EPA on request.

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

L4.5 Blasting hours

Blasting operations at the premises may only take place between 9:00am and 5:00pm Monday to Friday and 9:00am and 1:00pm Saturday. (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).

L4.6 Work generating high noise impact

Any work generating high noise impact, excluding blasting operations covered in Condition L4.5, 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 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

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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.

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

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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.
- 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:
 - a) Weekly during normal construction hours outlined in Condition L4.1;
 - b) daily during periods of rainfall; and
 - c) 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:
 - a) the clear identification of each sediment basin and discharge point;
 - b) the collection of representative samples of the water discharged from the sediment basin(s); and
 - c) access to the sampling point(s) at all times by an authorised officer of the EPA.

O5.11 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.

O5.12 The licensee must ensure that any polymer based flocculants 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.

Note: In accordance with the EPA Approved Methods Publication any analysis should be undertaken by a

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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.

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

POINT 1

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

POINT 2

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

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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	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

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

M3 Testing methods - concentration limits

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

M4 Weather monitoring

M4.1 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.

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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.
- 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 3 months after 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.

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M7 Other monitoring and recording conditions

- M7.1 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.
- M7.2 Vibration monitoring must be carried out in accordance with the guidance provided in the Environmental Noise Management Assessing Vibration: A Technical Guideline, published by the Department of Environment and Conservation, February 2006.
- 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:
 - a) a Statement of Compliance; and
 - b) a Monitoring and Complaints Summary.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 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').

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- 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 Statement 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.
- R1.8 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 including the results of rainfall measurements to demonstrate compliance with Condition L2.5;
 - c) details of the results of any acoustic investigation made in relation to condition L4.2 d); and
- The report referred to in this condition must be received by the EPA within 10 working days of the end of each month.

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;

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- 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.

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 licence.

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

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

8 Special Conditions

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E1 Land Irrigation Conditions

E1.1 The irrigation of water from sediment basins to land through any land irrigation system 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 groundwater is not adversely affected; and
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.

E1.2 The licensee must develop and implement appropriate procedures for the operation and management of the land irrigation area for the irrigation of water from sediment basins.

E1.3 Water from sediment basins must not be irrigated to any area within 50m of any waters.

E2 Special Dictionary - Definitions specific to this licence

E2.1 In this Licence, unless the contrary is indicated, the terms have the following, meaning:

TERM	MEANING
Noise Sensitive Locations	Means buildings used as a residence, hospital, school, child care centre, place 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 impact	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.

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Dictionary

General Dictionary

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

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

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

Mr Brett Nudd

Environment Protection Authority

(By Delegation)

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End Notes
