

# Licence Variation

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Licence - 20533



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

Attention: M Jason Haslett

Notice Number 1535355  
File Number EF14/4301  
Date 09-Nov-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-Oct-2015 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. The application sought to include a number of additional areas within the premise boundary, these areas include:
- To include the area of the temporary rail diversion previously excluded by last EPL variation; and
  - An additional area for the Williamson Creek diversion; and
  - An additional area for the design refinement requiring additional clearing at Lower Warrell Creek; and
  - An additional area to allow for de-silting and water extraction from Clarkes farm dams.

A series of new premise maps was provided (identified as the Pacific Highway Upgrade WC2NH EPL, Rev 12, Dated 27 October 2015, sheets 1 to 16) to the EPA which includes the requested changes to the premise boundary.

The EPA highlights that the premise boundary changes approved under this notice do not provide access rights onto private property. The EPA understands that Acciona are currently pursuing written agreement with the property owner in relation to the proposed Clarkes farm dam de-silting and will not conduct the work until agreement reached.

The EPA also notes that permits for surface water and groundwater extraction have not yet been granted by the DPI - Office of Water and understands that there is an internal hold point which requires

# Licence Variation

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permits to be received before the works can commence. The EPA highlights the need to comply with all other relevant legislation.

- D. The EPA reviewed the application, considered the matters identified in section 45 of the POEO and is satisfied that 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

## 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:
  - The EPA premise boundary has been extended to include the additional areas required to allow for the inclusion of the temporary track diversion, the temporary Williamson creek diversion on private property identified as 11A Albert Drive Donnellyville, the design refinement at Lower Warrell creek, the de-silting and water extraction on private property identified as Clarkes dams; and
  - Condition A2.2 was amended to reflect the current set of approved premise maps.

A handwritten signature in blue ink, appearing to read 'Brett Nudd', written over a dotted line.

**Brett Nudd**  
**Acting Director**  
**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.

# Licence Variation

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## 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 - 20533

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## Licence Details

Number: 20533  
Anniversary Date: 16-December

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## Licensee

ACCIONA INFRASTRUCTURE AUSTRALIA PTY LTD

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PO BOX 254

MACKSVILLE NSW 2447

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## Premises

WARRELL CREEK TO NAMBUCCA HEADS PACIFIC HWY  
UPGRADE PROJECT

PACIFIC HIGHWAY

NAMBUCCA HEADS NSW 2448

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## Scheduled Activity

Crushing, Grinding or Separating

Extractive Activities

Railway Systems Activities

Road Construction

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## Fee Based Activity

Crushing, grinding or separating

Land-based extractive activity

Railway systems activities

Road construction

## Scale

> 500000-2000000 T processed

> 2000000 T extracted, processed or stored

Any annual capacity

> 10-30 km constructed, widened or re-routed

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## 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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# Environment Protection Licence

Licence - 20533



<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 Other activities	7
A4 Information supplied to the EPA	7
<b>2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND</b>	7
P1 Location of monitoring/discharge points and areas	7
<b>3 LIMIT CONDITIONS</b>	8
L1 Pollution of waters	8
L2 Concentration limits	9
L3 Blasting	11
L4 Hours of operation	12
<b>4 OPERATING CONDITIONS</b>	13
O1 Activities must be carried out in a competent manner	13
O2 Maintenance of plant and equipment	14
O3 Dust	14
O4 Emergency response	14
O5 Processes and management	14
<b>5 MONITORING AND RECORDING CONDITIONS</b>	15
M1 Monitoring records	15
M2 Requirement to monitor concentration of pollutants discharged	16
M3 Testing methods - concentration limits	17
M4 Weather monitoring	17
M5 Recording of pollution complaints	17
M6 Telephone complaints line	18

# Environment Protection Licence



Licence - 20533

M7	Other monitoring and recording conditions .....	18
<b>6</b>	<b>REPORTING CONDITIONS .....</b>	<b>19</b>
R1	Annual return documents .....	19
R2	Notification of environmental harm .....	20
R3	Written report .....	20
<b>7</b>	<b>GENERAL CONDITIONS .....</b>	<b>21</b>
G1	Copy of licence kept at the premises or plant .....	21
G2	Contact number for incidents and responsible employees .....	21
<b>8</b>	<b>SPECIAL CONDITIONS .....</b>	<b>21</b>
E1	Land Irrigation Conditions .....	21
E2	Special Dictionary - Definitions specific to this licence .....	22
<b>DICTIONARY .....</b>		<b>23</b>
General Dictionary .....		23

# Environment Protection Licence

Licence - 20533



## 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

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Licence - 20533



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:

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**ACCIONA INFRASTRUCTURE AUSTRALIA PTY LTD**

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**PO BOX 254**

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**MACKSVILLE NSW 2447**

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subject to the conditions which follow.



# Environment Protection Licence

Licence - 20533



## 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
Railway Systems Activities	Railway systems activities	Any annual capacity
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 Boundary" maps 1 to 16, Revision 12, dated 5 November 2015. Drawings are stored in the Permits and Licensing management system (PALMS) database kept by the EPA. The application, drawings and supporting documents are electronically filed in electronic Trim file EF14/4301.

Premise Map Number	Currency Period	Comments
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# Environment Protection Licence



Licence - 20533

Map 2A of 16	Acciona takes possession of the ARTC premise area identified for track realignment works from 0600hrs on Saturday 24 October 2015 until 2100hrs on Sunday 25 October 2015.	Required for the Acciona track possession weekend.
Map 2B of 16	This identifies the realigned rail corridor from 2100hrs on Sunday 25 October 2015.	ARTC resumes responsibility for the realigned section of track for ongoing rail operations.

### A3 Other activities

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

**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 utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.
- P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

*Water and land*

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge Water Quality	Discharge Water Quality	The outlet from sediment basins referred to in Condition P1.3 of this licence.



# Environment Protection Licence

Licence - 20533



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.

- 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.



# Environment Protection Licence



Licence - 20533

## L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the tables 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 tables.
- 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
Conductivity	microsiemens per centimetre				200

# Environment Protection Licence

Licence - 20533



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
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

# Environment Protection Licence



Licence - 20533

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 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.



# Environment Protection Licence

Licence - 20533



## 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 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 Other out-of-hours works implemented in accordance with the projects Conditions of Approval. The

# Environment Protection Licence

Licence - 20533



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 justification that the out-of-hours works are critical and must be undertaken outside of L4.2d) and L4.3;
- 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;
- c) the NSW Department of Planning and Environment Independent Environmental Representative has assessed the works to be undertaken and documents their support for the critical out-of-hours works;
- d) the EPA and other relevant agencies, such as Roads and Maritime Services and the NSW Department of Planning and Environment have been consulted where necessary prior to proceeding with the proposed out-of-hours works; and
- e) any out-of-hours works undertaken under this provision are to be documented and reported in the Monthly EPL Compliance Report.

## L4.6 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).

## L4.7 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 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.



# Environment Protection Licence



Licence - 20533

## O2 Maintenance of plant and equipment

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



# Environment Protection Licence



Licence - 20533

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 L4.1;
  - 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.

- 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 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:
- in a legible form, or in a form that can readily be reduced to a legible form;
  - kept for at least 4 years after the monitoring or event to which they relate took place; and
  - 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:
- the date(s) on which the sample was taken;

# Environment Protection Licence

Licence - 20533



- 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

### 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



# Environment Protection Licence

Licence - 20533



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.

## 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.



# Environment Protection Licence

Licence - 20533



## **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.

## **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**

# Environment Protection Licence

Licence - 20533



## 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').

- 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.



# Environment Protection Licence

Licence - 20533



## R2 Notification of environmental harm

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

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

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

## R3 Written report

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

## 7 General Conditions



# Environment Protection Licence

Licence - 20533



## **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**

### **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.

# Environment Protection Licence

Licence - 20533



## 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.

# Environment Protection Licence



Licence - 20533

## 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 - 20533

<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

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Licence - 20533

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

Mr Brett Nudd

Environment Protection Authority

(By Delegation)

Date of this edition: 16-December-2014

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## End Notes

- 2 Licence varied by notice 1529088 issued on 16-Mar-2015
  - 3 Licence varied by notice 1530845 issued on 21-May-2015
  - 4 Licence varied by notice 1531818 issued on 03-Jul-2015
  - 5 Licence varied by notice 1533436 issued on 01-Sep-2015
  - 6 Licence varied by notice 1534280 issued on 28-Sep-2015
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