

Licence Variation



Licence - 21610

FERROVIAL AGROMAN (AUSTRALIA) PTY. LTD.
LEVEL 2/55 HARRINGTON STREET
THE ROCKS NSW 2000

Attention: Lorryn Williamson

Notice Number 1617646
File Number EF21/15471
Date 04-May-2022

NOTICE OF VARIATION OF LICENCE NO. 21610

BACKGROUND

- A. FERROVIAL AGROMAN (AUSTRALIA) PTY. LTD. ("the licensee") is the holder of Environment Protection Licence No. 21610 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at 7 FIGTREE DRIVE, SYDNEY OLYMPIC PARK, NSW, 2127 ("the premises").
- B. On 23-Mar-2022 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. This licence variation notice is to add water discharge, monitoring and limit conditions to the licence for a temporary water discharge plant at The Bays site.
- D. The EPA notes that the temporary discharge limits at the Bays are higher than specified in the planning approval. The limits have been based on the likely performance of the temporary water treatment plant allowing for a buffer for varying performance. The EPA considers that these higher limits will be acceptable whilst a proof of performance study is undertaken to more accurately demonstrate the performance of these temporary water treatment plants.
- E. As a result, the EPA has also included a Proof of Performance condition in the license to require increased monitoring during the initial water treatment plant operations. The EPA will use this data from this monitoring to consider modifying and lowering the discharge limits to better reflect the performance of the water treatment plants.
- F. In issuing this notice, the EPA has taken into consideration s45 of the Act including the potential water pollution risks from this discharge. The EPA required a Water Discharge Impact Assessment (WDIA) be submitted with the application. The EPA is satisfied that the temporary discharge will pose minimal risk to the receiving water body (White Bay) as the discharge is temporary (no longer than 6 months) and the limits are likely to be lowered once the initial performance data has been reviewed. EPA has included concentration limits and monitoring requirements to ensure continued oversight of the discharge.

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VARIATION OF LICENCE NO. 21610

1. By this notice the EPA varies licence No. 21610. 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 inclusion of a new discharge point location (Point 3) in Condition P1.1
 - The inclusion of new discharge limits in Condition L2.4
 - Condition L2.5 has been modified to allow exceedances of limits for TSS and pH only during large rainfall events.
 - The inclusion of new monitoring conditions in Condition M2.2
 - The inclusion of a new Condition E2.1 to require proof of performance monitoring for the temporary water treatment plant at the Bays
 - The Special Dictionary has been moved to Condition E3.

A handwritten signature in blue ink, appearing to read 'Jacqueline Ingham', is positioned above the printed name.

.....
Jacqueline Ingham
Unit Head
Environment Protection Authority
(by Delegation)

INFORMATION ABOUT THIS NOTICE

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

Appeals against this decision

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

When this notice begins to operate

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

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Licence Details

| | |
|-------------------|-------------|
| Number: | 21610 |
| Anniversary Date: | 18-February |

Licensee

ACCIONA CONSTRUCTION AUSTRALIA PTY LTD
 FERROVIAL AGROMAN (AUSTRALIA) PTY. LTD.
 LEVEL 2/55 HARRINGTON STREET
 THE ROCKS NSW 2000

Premises

SYDNEY METRO WEST CENTRAL TUNNELING
 PACKAGE-THE BAYS TO SYDNEY OLYMPIC PARK &
 EASTERN CREEK PRECAST FACILITY
 7 FIGTREE DRIVE
 SYDNEY OLYMPIC PARK NSW 2127

Scheduled Activity

Concrete works
 Railway activities - railway infrastructure construction

Fee Based Activity

Scale

| | |
|---|--|
| Concrete works | > 50000 m3 annual production capacity |
| Railway infrastructure construction (>=50,000T & track to be constructed >10km & <30km) | > 2000000 Remaining extraction or processing |

Contact Us

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 12 Darcy Street
 PARRAMATTA NSW 2150
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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 CONSTRUCTION AUSTRALIA PTY LTD |
| FERROVIAL AGROMAN (AUSTRALIA) PTY. LTD. |
| LEVEL 2/55 HARRINGTON STREET |
| THE ROCKS NSW 2000 |

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 |
|--|---|--|
| Concrete works | Concrete works | > 50000 m3 annual production capacity |
| Railway activities - railway infrastructure construction | Railway infrastructure construction (>=50,000T & track to be constructed >10km & <30km) | > 2000000 Remaining extraction or processing |

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

| Premises Details |
|---|
| SYDNEY METRO WEST CENTRAL TUNNELING PACKAGE-THE BAYS TO SYDNEY OLYMPIC PARK & EASTERN CREEK PRECAST FACILITY |
| 7 FIGTREE DRIVE |
| SYDNEY OLYMPIC PARK |
| NSW 2127 |
| THIS WILL BE THE MAIN OFFICE FOR THE ACCIONA FERROVIAL JV |

A2.2 In relation to Condition A2.1, the premises are defined by the most recent premises map(s) held on EPA Electronic File EF21/12027 and approved in writing by the EPA.

A2.3 Premises map(s) changes are permitted to be altered through this condition. Any proposed variations to the premises must:

- be submitted to the EPA in electronic format for approval;
- be clearly described on a complete map set containing unique identifiers for revision number, map sheet numbers and issue date;
- be submitted to the EPA no less than 5 business days prior to the date of the scheduled land portion handover, land portion surrenders, land portion additions or any other changes;
- be clearly described in writing submitted at the same time as the complete map set; and
- demonstrate environmental impacts in relation to any changes have been considered and can be managed in an appropriate manner.

A2.4 The most recently approved premises map(s) must be available for public viewing on the licensee's project

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website or a related website approved in writing by the EPA no more than 3 business days after the approval of the map(s) by the EPA.

The requirements outlined in this condition only come into force when works or activities commence at the licensed premises.

A3 Information supplied to the EPA

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

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

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

A3.2 Only Environmental Management Plans supplied to the EPA by the licensee and reviewed by the EPA and specifically stated by another condition of this licence form part 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.

Water and land

| EPA Identification no. | Type of Monitoring Point | Type of Discharge Point | Location Description |
|------------------------|---------------------------------|---------------------------------|---|
| 1 | Pre-cast Yard discharge point 1 | Pre-cast Yard discharge point 1 | Pre-cast Yard discharge point |
| 2 | Pre-cast Yard discharge point 2 | Pre-cast Yard discharge point 2 | Pre-cast Yard discharge point |
| 3 | Discharge and Monitoring | Discharge and Monitoring | Discharge from The Bays Station temporary WTP(s) to White Bay |

P1.2 The licensed monitoring and discharge points referred to in condition P1.1 and all sediment basins, must be identified in the map(s) most recently submitted and approved in writing by the EPA.

Note: The maps are maintained on electronic file EF21/12027.

P1.3 All sediments basins listed in P1.1 must be identified in a schedule submitted to the EPA. The schedule, including any proposed updates, must:

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- a) be submitted to the EPA in electronic format no less than 5 business days prior to the planned commissioning or decommissioning of a sediment basin;
- b) include the following information:
 - i. unique identifiers consistent with the map(s) required by condition P1.2;
 - ii. size, type, and discharge criteria, if permitted under condition L2.1, for each sediment basin;
 - iii the design rainfall depth value, water storage capacity and sediment storage capacity for each sediment basin;
 - iv. criteria for desilting and dewatering that maintains the design storage capacity for each sediment basin;
 - v. the catchment details and receiving waters of each sediment basin; and
 - vi. easting and northing coordinates for each sediment basin.

Note: The schedule is maintained on electronic file EF21/12027.

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

POINT 1,2

| Pollutant | Units of Measure | 50 Percentile concentration limit | 90 Percentile concentration limit | 3DGM concentration limit | 100 percentile concentration limit |
|----------------|------------------|-----------------------------------|-----------------------------------|--------------------------|------------------------------------|
| Oil and Grease | Visible | | | | Not Visible |
| pH | pH | | | | 6.5-8.5 |

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| | | |
|-----|----------------------|----|
| TSS | milligrams per litre | 50 |
|-----|----------------------|----|

POINT 3

| Pollutant | Units of Measure | 50 Percentile concentration limit | 90 Percentile concentration limit | 3DGM concentration limit | 100 percentile concentration limit |
|---------------------------------------|----------------------|-----------------------------------|-----------------------------------|--------------------------|------------------------------------|
| Arsenic | micrograms per litre | | | | 90 |
| Manganese | micrograms per litre | | | | 1900 |
| Nickel | micrograms per litre | | | | 70 |
| Nitrate + nitrite (oxidised nitrogen) | micrograms per litre | | | | 200 |
| Nitrogen (total) | micrograms per litre | | | | 700 |
| Oil and Grease | Visible | | | | Not Visible |
| Perfluorooctane sulphonate (PFOS) | micrograms per litre | | | | 0.13 |
| pH | pH | | | | 6.5-8.5 |
| Phosphorus (total) | micrograms per litre | | | | 1000 |
| TSS | milligrams per litre | | | | 50 |

- L2.5 Exceeding the limits specified in Condition L2.4 of this licence for discharges of pH and TSS from the discharge point(s) identified by conditions P1.1 is only permitted if:
- the discharge occurs solely as a result of rainfall measured at the premises exceeding the design rainfall depth value for the corresponding discharge point as described in condition P1.3; and
 - the sediment basins and other erosion and sediment controls corresponding to the discharge point(s) have been designed, constructed, operated and maintained in accordance with condition O4.6 of this licence.
- L2.6 If the licensee uses turbidity (e.g. NTU) in place of TSS to determine compliance with Condition L2.4, the licensee must:
- develop a robust site-specific statistical correlation assessment methodology that identifies the relationship between turbidity and TSS for water quality from the discharge point(s);
 - develop a method to enable the ongoing verification of the relationship between turbidity and TSS;
 - provide the EPA with a copy of the methodologies detailed in a) and b), including relevant results, for approval before using turbidity in place of TSS; and

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d) provide the EPA with any amendments the licensee makes to the statistical correlation as a result of the ongoing verification required by this condition before using the revised statistical correlation.

L3 Noise limits

- L3.1 The licensee must minimise noise and vibration impacts at residences and other sensitive land uses. To meet the requirements of this condition the licensee must:
- implement the guidance in the Interim Construction Noise Guideline (DEC, 2009) and the Assessing Vibration: a technical guideline (DEC, 2006);
 - implement all reasonable and feasible measures to minimise noise impacts in accordance with the Interim Construction Noise Guideline (DEC, 2009); and
 - implement vibration mitigation in accordance with the Assessing Vibration: a Technical Guideline (DEC, 2006).
- In this condition, 'reasonable' and 'feasible', in relation to noise management, have the same meaning as defined in the Interim Construction Noise Guideline (DEC, 2009).
- L3.2 When construction activities include 'High Noise Impact Activities' as defined in the special dictionary in this licence, quantitative construction noise assessments must apply a +5dB correction to the measured or predicted level of construction noise at the nearest sensitive receiver location before assessment against the Interim Construction Noise Guideline (DECC, 2009) noise management levels.

L4 Blasting

- L4.1 All blasting activities are prohibited on the licensed premises.

L5 Hours of operation

- L5.1 Standard construction hours
- Unless permitted by another condition of this licence, works and activities must:
- only be undertaken between the hours of 7:00 am and 6:00 pm Monday to Friday;
 - only be undertaken between the hours of 8:00 am and 6:00 pm Saturday; and
 - not be undertaken on Sundays or Public Holidays.
- L5.2 High Noise Impact Works
- Unless permitted by another condition of this licence, any high noise impact works and activities that exceed the applicable Noise Management Level (NML) when measured at the boundary of the most affected noise sensitive receiver must only be undertaken:
- between 8:00 am and 6:00 pm Monday to Friday;
 - between 8:00 am and 1:00 pm Saturday; and
 - if high noise impact works are to be conducted continuously and the location of the works means that it is likely to impact the same receivers, then the works must be conducted in continuous blocks of no more than 3 hours, with at least a 1-hour respite between each block of continuous high noise impact work; except as expressly permitted by another condition of this licence.

Note: For the purposes of this condition 'continuous' includes any period where there is a less than 1-hour respite

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between ceasing and recommencing of any work that is subject to this condition.

L5.3 Exemptions to standard construction hours for low noise impact works

Works and activities may be carried on outside of the hours specified in condition L5.1 if the works and activities do not cause, when measured at the boundary of the most affected noise sensitive receiver:

- a) LAeq(15 minute) noise levels greater than 5dB above the day, evening and night rating background level (RBL) at any residence in accordance with the ICNG; and
- b) no more than the "Noise affected" NMLs specified in Table 3 of the ICNG at other sensitive land user(s); and
- c) LA1(1 minute) or LAm_{ax} noise levels greater than 15dB above the night RBL for night works;
- d) the preferred continuous or impulsive vibration values greater than those for human exposure to vibration, set out for residences in Table 2.2 in Assessing Vibration: a technical guideline (DEC, 2006); and
- e) the preferred intermittent vibration values greater than those for human exposure to vibration, set out for residences in Table 2.4 in Assessing Vibration: a technical guideline (DEC, 2006).

For the purposes of this condition, the RBLs are those contained in an environmental assessment for the activities subject to this licence prepared under the Environmental Planning and Assessment Act 1979. Alternatively, the licensee may use another RBL determined in accordance with the Noise Policy for Industry (EPA, 2017) and provided to the EPA prior to carrying out any works or activities under this condition.

L5.4 Exemptions to standard construction hours in exceptional circumstances

- a) The licensee may undertake works and activities outside of standard construction hours specified in condition L5.1 for:
 - i. emergency works required to avoid injury to persons, the loss of life or property, or to prevent material harm to the environment; and
 - ii. the delivery of oversized plant, structures or materials determined by the police or other authorised authorities to require special arrangements to transport along public roads.
- b) The licensee must, on becoming aware of the need to undertake emergency works under this condition notify the EPA's Environment Line as soon as practicable and submit a report to the EPA by 2:00 pm on the next business day after the emergency works commenced that describes:
 - i. the cause, time and duration of the emergency;
 - ii. action taken by or on behalf of the licensee in relation to the emergency; and
 - iii. details of any measures taken or proposed to be taken by the licensee to prevent or mitigate against a recurrence of the emergency.

Note: For the purposes of this condition, 'material harm to the environment' has the same meaning as in section 147 of the POEO Act. Emergency works do not require a notification under condition L5.5.

L5.5 Works outside of standard construction hours - Notification

The licensee must notify potentially affected noise sensitive receivers of works outside of standard construction hours not less than 5 calendar days and not more than 14 calendar days before those works are to be undertaken.

- a) The notification must:
 - i. be undertaken by letterbox drop or email; and
 - ii. be detailed on the project website.
- b) The notification required by this Condition must:
 - i. clearly outline the reason that the work is required to be undertaken outside the hours specified in condition L5.1;
 - ii. include a diagram that clearly identifies the location of the proposed works in relation to nearby cross

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streets and local landmarks;

- iii. include details of relevant time restrictions that apply to the proposed works;
- iv. clearly outline in plain English, the location, nature, scope and duration of the proposed works;
- v. detail the expected noise impact of the works on noise sensitive receivers;
- vi. clearly state how complaints may be made and additional information obtained; and
- vii. include the number of the telephone complaints line required by condition M7.1, an after hours contact phone number specific to the works undertaken outside the hours specified in condition L5.1, and the project website address.

L5.6 24-Hour works

The following works are permitted to be undertaken 24 hours a day, 7 days per week:

- (a) Tunnelling activities (excluding cut and cover tunnelling and surface works); and
- (b) Haulage of spoil, and delivery of material that is required to be delivered outside of standard construction hours to directly support tunnelling activities, except between the hours of 10:00pm and 7:00am to and from the Five Dock construction site; and
- (c) Haulage of spoil, and delivery of material that is required to be delivered outside of standard construction hours to directly support tunnelling activities, except between the hours 10:00pm and 7:00am to and from the Burwood North construction site using any roads or streets other than directly from Parramatta Road; and
- (d) work within an acoustic shed where there is no exceedance of noise levels under Low impact circumstances identified in condition L5.3,

Note: Tunnelling does not include station box excavation

L5.7 Works outside of standard construction hours (out-of-hours works)

Under this condition, works and activities may be undertaken outside of standard construction hours specified in condition L5.1 and L5.2 until 30 April 2022, and if they are required in relation to one or more of the following:

- a) carrying on those works and activities during standard construction hours would result in a high risk to construction personnel or public safety, based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2009 "Risk Management";
- b) the relevant road network operator has advised the licensee in writing that carrying out the works and activities during standard construction hours would result in a high risk to road network operational performance;
- c) a relevant utility service operator has advised the licensee in writing that carrying out the works and activities during standard construction hours would result in a high risk to the operation and integrity of the utility network;
- d) the TfNSW Transport Management Centre (or other road authority) have refused to issue a road occupancy licence during standard construction hours; or
- e) Sydney Trains (or other rail authority) requires a rail possession for the activities to be performed outside of standard construction hours.

L5.8 Works outside of standard construction hours - Regulatory Requirements

In undertaking any out-of-hours works or activities under condition L5.7, the licensee must comply with the following:

- a) Prepare a construction noise and vibration impact assessment in accordance with the Interim Construction Noise Guideline (DEC, 2009) that is to include:
 - i. a description of the proposed out-of-hours works;
 - ii. predictions of LAeq (15 minute) dB noise levels at noise sensitive receivers from these

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works and activities, where noise levels are predicted to be greater than those permitted under condition L5.3; and

iii. a monitoring plan to validate the noise predictions, based on monitoring at the boundary of representative sensitive receivers during noise generating activities that are representative of the out-of-hours works, including during the period/s predicted to have the highest noise level impacts.

b) Undertake noise monitoring in accordance with the monitoring plan required by condition L5.8(a)(iii).

c) Only undertake activities between the hours of 6:00pm on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and 7:00am the following day (unless permitted by another condition of this licence).

d) Activities are not to be undertaken between the hours of 6:00pm on Saturdays, Sundays or Public Holidays and 7:00am the following day (unless permitted by another condition of this licence).

e) Ensure that out-of-hours works do not result in noise levels exceeding those specified in condition L5.3 at the same noise sensitive receivers (unless specified in another condition of this licence) on more than:

i. 2 consecutive evenings and/or nights at any time; and

ii. 3 evenings and/or nights per week; and

iii. 10 evenings and/or nights per month.

f) Undertake any high noise impact works before 12:00 am (midnight) where reasonable and feasible.

g) Where high noise impact activities are undertaken, the respite provisions as per the requirements of condition L5.2(c) do not apply provided that all high noise impact activities are undertaken prior to 12:00 am (midnight).

h) Where high noise impact activities are undertaken after 12:00 am (midnight), the licensee is required to submit a written report to the EPA within 2 business days of the activity outlining the justification for continuing high noise impact works after midnight and the reasonable and feasible noise mitigation measures that were implemented to address these night time impacts.

i) Upon request of an authorised officer, the licensee must provide within 5 business days:

i. the construction noise and vibration impact assessment required by condition L5.8(a);

ii. noise monitoring results required by condition L5.8(b);

iii. written evidence demonstrating the works are necessary and permitted under condition L5.7; and/or

iv. any other relevant information or records requested by the EPA.

L6 Potentially offensive odour

L6.1 No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

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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 activities occurring at the premises must be carried out in a manner that will minimise the generation and prevents the emission of air pollution from the premises, as much as is reasonably practicable

O3.2 The premises must be maintained in a condition which minimises the generation and prevents the emission of air pollution from the premises, as much as is reasonably practicable.

O3.3 The licensee must implement all reasonable and feasible measures to demonstrate compliance with condition O3.1 and O3.2.

O3.4 Trucks entering and leaving the premises that are carrying loads of material with the potential to generate dust must be covered at all times, except during loading and unloading.

O4 Processes and management

O4.1 The licensee must implement all feasible and reasonable erosion and sediment controls as may be necessary throughout the life of works and activities to minimise sediment leaving the premises.

O4.2 The licensee must ensure erosion and sediment controls are designed (stability, location, type and size), constructed, operated and maintained in accordance with Managing Urban Stormwater – Soils and Construction, Volume 2D, Main Road Construction (DECC, 2008), to be read and used in conjunction with Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition (Landcom, 2004).

Note: The licensee may consider guidance from other industry best practice documents if it can demonstrate the guidance will provide improved or equivalent outcomes for the environment and meet the requirements of condition L1.1 of this licence.

O4.3 The licensee must maximise the reuse of captured stormwater on the premises as much as is reasonably practicable.

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- O4.4 The licensee must ensure that all erosion and sediment control measures installed on the premises are inspected and works undertaken to repair and/or maintain these controls as soon as reasonably practicable.
- O4.5 The licensee must record all inspections required by condition O4.4, including observations and works undertaken to repair and/or maintain erosion and sediment controls and provide these records to an authorised officer upon request.
- O4.6 The licensee must:
- a) ensure the design storage capacity of any sediment basin installed on the premises is reinstated within the design management period following the cessation of a rainfall event that causes runoff to occur on or from the premises.
- O4.7 The licensee must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:
- a) the clear identification of each sediment basin and discharge point;
 - b) the collection of representative samples of the water discharged from the sediment basin(s); and
 - c) access to the sampling point(s) at all times by an authorised officer of the EPA.
- O4.8 The licensee must ensure:
- a) all vehicular access points to the premises are designed, constructed, maintained and stabilised to minimise vehicles tracking materials onto public roads and roads outside the premises as much as is reasonable and feasible;
 - b) vehicle, motorised plant and equipment movements onto or off the premises minimise the deposition of any material onto the surface of roads outside of the premises;
 - c) mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer, motorised plant and equipment leaving the premises, is removed to the greatest extent practicable before it leaves the premises; and
 - d) road surfaces subject to any tracking of material by vehicles leaving the premises must be cleaned as required to ensure compliance with a) and b) of this condition and condition L 1.1 of this licence.

O5 Waste management

- O5.1 Waste Management Plans must be prepared and implemented for all demolition/ construction/ excavation works undertaken on the premises that generate waste that will be disposed offsite (not including office paper or cardboard).
- The plan must be completed prior to waste being transported off the premises. The plans must include the following:
- a) Estimations of the different waste types to be generated from the proposed works; and
 - b) Estimations of how much of each waste type will be generated from the proposed works; and
 - c) List of all places (full street address) where waste will be transported to; and
 - d) Written confirmation from each place of disposal (listed in point c) that they can lawfully receive the types of waste proposed to be transported there.
 - e) Where the place of disposal changes after the plan has been made, an amendment to the plan can be made as a register that includes an update to points a) to d) above.
- The Waste management plan must be submitted to the EPA prior to the commencement of scheduled activities. Any subsequent amendments must be provided to the EPA upon request..

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- O5.2 The licensee must keep detailed records of waste generated, received or removed from the premises that includes (at a minimum):
- the addresses and facility/business names of destination location(s) for all waste generated and transported off the premises for any purpose (including recycling, reuse, processing, treatment and disposal);
 - details of all waste received on the premises or transported off the premises that is subject to a Resource Recovery Order and/or Exemption under the Protection of the Environment Operations (Waste) Regulation 2014, and demonstration that the waste meets the requirements of the Order and/or Exemption;
 - legible copies of all documents/records evidencing that all waste transported from the premises was taken to a facility/premises that lawfully accept that waste type; and
 - records of all compliance checks conducted under condition O5.3.
- Note: A copy of an up-to-date CWMP and records must be kept on the premises for the duration of the licence and provided to an EPA officer upon request.
- O5.3 The licensee must develop a compliance program to ensure that all waste is being managed, transported, reused, recycled or disposed in a lawful manner. The compliance program must include, but not limited to:
- desktop investigations;
 - site inspections of reuse, recycling or disposal locations;
 - any other suitable method to check compliance with the CWMP.
- The records for the compliance program must be available to the EPA upon request.
- O5.4 Excavated material suitable for re-use within the premises, may be transported from one part of the premises to another part of the premises by road.
- O5.5 The licensee must not cause, permit or allow any waste generated outside the licensed premises to be received at the licensed premises, except virgin excavated natural material or as expressly permitted by a condition of this licence or a resource recovery order and/or resource recovery exemption under the Protection of the Environment Operations (Waste) Regulation 2014.

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;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

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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 1,2

| Pollutant | Units of measure | Frequency | Sampling Method |
|----------------|----------------------|---------------------|-------------------|
| Oil and Grease | Visible | Special Frequency 1 | Visual Inspection |
| pH | pH | Special Frequency 1 | Probe |
| TSS | milligrams per litre | Special Frequency 1 | Grab sample |

POINT 3

| Pollutant | Units of measure | Frequency | Sampling Method |
|--|----------------------|---------------------|-------------------|
| Ammonia | micrograms per litre | Monthly | Grab sample |
| Arsenic | micrograms per litre | Monthly | Grab sample |
| Cobalt | micrograms per litre | Monthly | Grab sample |
| Copper | micrograms per litre | Monthly | Grab sample |
| hydrocarbons | micrograms per litre | Monthly | Grab sample |
| Iron | micrograms per litre | Monthly | Grab sample |
| Manganese | micrograms per litre | Monthly | Grab sample |
| Nickel | micrograms per litre | Monthly | Grab sample |
| Nitrate + nitrite (oxidised nitrogen) | micrograms per litre | Monthly | Grab sample |
| Nitrogen (total) | micrograms per litre | Monthly | Grab sample |
| Oil and Grease | Visible | Special Frequency 1 | Visual Inspection |
| Perfluorooctane sulphonate (PFOS) | micrograms per litre | Monthly | Grab sample |
| pH | pH | Special Frequency 1 | Probe |
| Phosphorus (total) | micrograms per litre | Monthly | Grab sample |
| TSS | milligrams per litre | Special Frequency 1 | Grab sample |
| Zinc | micrograms per litre | Monthly | Grab sample |

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

- less than 24 hours prior to a controlled discharge and daily for any continued controlled discharge, when it is safe to do so; and
- when rainfall causes a discharge from a sediment basin which has not been emptied within the design management period following cessation of a rainfall event, when it is safe to do so.

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M3 Testing methods - concentration limits

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

M4 Environmental monitoring

M4.1 All noise monitoring for the purposes of determining compliance with the conditions of this licence must be undertaken by a suitably qualified and experienced person.

M4.2 All noise monitoring for the purposes of determining compliance with the conditions of this licence must consider and be undertaken in accordance with;

- (a) Australian Standard AS 2659.1 – 1998: Guide to the use of sound measuring equipment – portable sound level meters; and
- (b) the compliance monitoring guidance provided in the chapter 7 'Monitoring Performance' of the Noise Policy for Industry (EPA, 2017).

M4.3 All vibration monitoring must be:

- a) undertaken in accordance with the technical guidance provided in the Assessing Vibration: a technical guideline (DEC, 2006); and
- b) assessed and reported against the acceptable values of human exposure to vibration set out in Tables 2.2 and 2.4 of this guideline.

M4.4 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA. If a licensee is unable to obtain permission, they must provide the response to the EPA.

M5 Weather monitoring

M5.1 The licensee must monitor and record temperature, humidity, wind direction, wind velocity and rainfall at either the project weather station, or through analysis of equivalent weather information obtained from the Australian Bureau of Meteorology. Monitoring must:

- a) be representative of each catchment area;
- b) commence prior to any works that may cause sediment to leave the premises; and
- c) continue to be operated until soil disturbance activities cease at the premises and the site has been stabilised.

Note: The rainfall monitoring data collected in compliance with this condition can be used to determine compliance with condition L2.5.

M6 Recording of pollution complaints

M6.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

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M6.2 The record must include details of the following:

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

M6.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M6.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M7 Telephone complaints line

M7.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

Note: The EPA acknowledges that the telephone complaints line is managed and operated by Sydney Metro

M7.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M7.3 The preceding two conditions do not apply until 2 weeks after the date of the issue of this licence.

M7.4 The Licensee must undertake the following community notification activities:

- a) a project website should be created and include information on:
 - i. the nature, location and estimated construction time of the works;
 - ii. how members of the public can make a complaint on the telephone complaints line and online; and
 - iii. the after hours contact telephone number for any out of hours works permitted by this licence;
- b) public notices in local newspapers, including community language newspapers;
- c) clear signage at the boundary of each worksite that contains both the telephone complaints line number and the project website details;
- d) having staff available to respond to complaints during hours when works are occurring;
- e) ongoing additional community notification must be undertaken if:
 - i. new sensitive receivers are affected by noise, vibration or other construction impacts; or
 - ii. the details notified to the community in accordance with this condition materially change.

M7.5 Noise and Vibration Complaints

The licensee must:

- a) investigate noise and vibration complaints:
 - i. within two hours of the complaint being made; or
 - ii. in accordance with any documented complaint management agreement between the licensee and the complainant.
- b) offer to the complainant to undertake noise or vibration monitoring at their premises if:

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- i. any investigation referred to in this condition identifies works or activities being undertaken on the licensed premises as the likely source of the complaint; and
- ii. the licensee is not in possession of noise monitoring data representative of the complainants location and of the subject works and activities being undertaken on the licensed premises.
- c) undertake attended monitoring, or unattended monitoring with equipment capable of real time data interrogation, at their premises if the occupant of the dwelling or management personnel of a noise sensitive receiver (other than a dwelling) accepts the offer of noise or vibration monitoring:
 - i. as soon as practicable; or
 - ii. at a time agreed with the complainant.
- d) The licensee must, in respect of each complaint made, advise each complainant of the results of its investigation of their complaint and any proposed remedial action within a reasonable period of time.

6 Reporting Conditions

R1 Annual return documents

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

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

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

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

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

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

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

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

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

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is

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given; or

b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

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

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

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

a) the licence holder; or

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

R2 Notification of environmental harm

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

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

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

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;

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- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R4 Other reporting conditions

R4.1 Daily Complaints Reports

- a) The licensee must submit by 2:00pm each business day a report to the EPA that provides details of all complaints received in relation to activities regulated by this licence on the telephone complaints line required under condition M7.1 or through any other means.
- b) The report must be:
 - i. provided in a format approved in writing by the EPA;
 - ii. submitted to the email address nominated by the EPA; and
 - iii. include the complaints received in the previous 24 hours to 12pm;
- c) If the works that are the subject of complaint have been carried out under Conditions L5.2, L5.3 or L5.4 the report must include details of how the requirements of these conditions have been met.
- d) The licensee is not required to submit a report:
 - i. for any reporting period during which no complaints have been received;
 - ii. that would otherwise be required to be submitted on a Saturday, Sunday or public holiday. It must instead be submitted not later than 2:00pm on the next business day.

R4.2 Noise and Vibration Reports

Upon request of an authorised officer, the licensee must submit a Preliminary Investigation Report to the EPA in respect of any noise or vibration monitoring undertaken in accordance with the requirements of Condition M4.4.

- a) The Preliminary Investigation Report must be submitted to the EPA by 48 hours after any noise or vibration monitoring.
- b) The Preliminary Investigation Report must include:
 - i. numerical and/or graphical representation of the noise and vibration monitoring results including both ambient noise levels and the level of noise from activities on the premises only; and
 - ii. the noise levels reported using the following noise descriptors: LAeq,T; LAF90,T; and LAFmax,T (T representing the 15 minute measurement period unless an alternative period is justified); and
 - iii. an assessment of measured construction noise levels against noise limits or noise management levels specified in this licence, requirements in the project specific Construction Noise and Vibration Plan and/or Impact Statement prepared for the activities, relevant noise modelling and any relevant noise guidelines.

R4.3 In the event of any exceedance of the best achievable noise performance objectives identified in the project specific Construction Noise and Vibration Plan and/or Impact Statement prepared for the activities, the licensee must:

- a) modify activities and implement all reasonable and feasible measures to prevent a recurrence of the exceedance and verify noise and vibration levels have reached the best achievable noise performance objectives;

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- b) submit a Follow-Up Investigation Report to the EPA within 5 business days of any noise or vibration monitoring having been undertaken that detected the exceedance (unless otherwise approved by the EPA); and
- c) include the following information in the Follow-Up Investigation Report:
 - i. confirmation of whether noise monitoring has been undertaken in accordance with AS2659 and the compliance monitoring guidance provided in the Interim Construction Noise Guideline (DECC, 2009);
 - ii. confirmation of whether vibration monitoring has been undertaken in accordance with the guidance provided in Assessing Vibration: a technical guideline (DEC, 2006);
 - iii. details of the prevailing meteorological conditions during the period when the monitoring was undertaken;
 - iv. a map of each noise and vibration monitoring location in relation to the noise source, including relevant distances;
 - v. numerical and graphical representation of the noise and vibration monitoring results;
 - vi. an analysis of the noise and vibration monitoring results;
 - vii. details of any remedial action taken in relation to the matter; and
 - viii. in cases not the subject of remedial action, detailed justification of the decision not to undertake remedial action.

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: Note: The requirements outlined in this condition only come into force when works and activities commence at the licensed premises.

G2 Contact number for incidents and responsible employees

- G2.1 The licensee must provide the EPA with, and maintain, up to date contact details to enable the EPA:
 - a) To contact either the licensee or a representative of the licensee who can respond at all times to incidents relating to the premises, and
 - b) To contact the licensee's senior employees or agents authorised at all times to;
 - i. speak on behalf of the licensee, and
 - ii. provide any information or document required under licence.
- G2.2 The contact details required by Condition G2.1 above must include:
 - a) the full name and title of the authorised representatives and the scope of their respective authorisations; and
 - b) the direct telephone number, mobile number, email address and postal address for contacting each authorised representative.

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G3 Other general conditions

G3.1 Environmental Induction

- a) The licensee must ensure all personnel and contractors involved in undertaking any activity subject to this licence have received environmental induction training prior to undertaking that activity; and
- b) The induction training must:
 - i. clearly identify the general location of all noise sensitive receivers likely to be affected by noise or vibration generated during the course of the work undertaken by those personnel; and
 - ii. highlight the licence requirements to minimise noise and vibration impacts on noise sensitive receivers.

8 Special Conditions

E1 Community Agreements

- E1.1 The licensee may undertake works outside of standard construction hours if agreement between the licensee and a substantial majority of noise sensitive receivers has been reached. This Condition applies to out-of-hours works that have not been approved by another condition of this licence.
- E1.2 Any agreement(s) between the licensee and noise sensitive receivers referred to in condition E1.1 must be:
- a) submitted to the EPA at least 15 business days prior to any works that are the subject of the agreement being undertaken;
 - b) prepared in writing and a copy of the agreement(s) kept on the premises by the licensee for the duration of this licence; and
 - c) be made available on the licensee's project website or another website approved in writing by the EPA for the duration of the agreement (personal details of noise sensitive receivers must be omitted).
- E1.3 Requirements for community agreements
- Any community agreement to permit out of hours works (OOHW) to be undertaken outside of standard construction hours under condition L5.1 must:
- a) be prepared and implemented in accordance with the Interim Construction Noise Guidelines (DEC 2009), the Noise Policy for Industry (EPA, 2017) and AS2436-2010: Guide to noise and vibration control on construction, demolition and maintenance sites;
 - b) detail the following:
 - i. the actual works proposed;
 - ii. any expected impacts in clear, simple English based on noise modelling;
 - iii. the expected duration of the works;
 - iv. any expected benefits for receivers;
 - v. any other concurrent OOHW that will be occurring; and
 - vi. any other OOHW that will be occurring on the nights preceding and following the proposed works or, if the proposed work precedes or follows a weekend period, any other OOHW that will be occurring on the weekend.
 - c) demonstrate that the noise sensitive receivers party to the agreement understand the nature of the works and any predicted impacts;
 - d) for any community agreement longer than 28 calendar days, demonstrate the licensee has consulted the community in relation to re-engagement periods for the purpose of determining agreement from the community is maintained and continuing;
 - e) be kept for the duration of the agreement and made available to an EPA authorised officer on request; and
 - f) undertake community notification as required by condition L5.5.

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E1.4 Consultation and Engagement

In relation to consulting and engaging with noise sensitive receivers for a community agreement, the following applies:

- a) all noise sensitive receivers predicted by modelling to be impacted noise levels greater than L5.3a), b) and c) must be consulted on any proposed community agreement. This includes noise sensitive receivers that have declined to participate in previous agreements;
- b) all proposed agreements must include details for interpreting services for languages other than English where required;
- c) if a licensee is unable to contact a noise sensitive receiver after three attempts, including leaving "sorry I missed you" cards explaining the reason for the visit and requesting a return phone call, then the licensee will note that the receiver could not be contacted and the receiver will not be considered to have either agreed or disagreed; and
- d) records of the attempts to contact the receiver will be kept by the licensee.

E1.5 Agreement thresholds

The EPA will consider agreements reached between the licensee and a substantial majority of both:

- a) noise sensitive receivers predicted by the licensee to be impacted by noise levels exceeding those specified in Condition L5.3a), L5.3b) and L5.5c); and
- b) noise sensitive receivers predicted by the licensee to be impacted by noise levels above a highly noise affected level of 75dB(A).

Note: E1.5a) and E1.5b) are hereafter referred to as the community affected catchment. Community response and agreement rates should be reported against the total community affected catchment, and must be broken down into response and agreement rates based on sub-catchments that are delineated by affectation levels.

E1.6 Community agreements attained by phone

Where a community agreement has been reached with noise sensitive receivers over the phone, the following applies:

- a) the phone script used to describe the proposed agreement (including information required under Condition E1.3) is to be provided to the EPA with the community agreement;
- b) the script must include a description of the proposed works, the likely impacts and benefits for the community and a clear question requesting receiver agreement to the proposal;
- c) detailed records are to be maintained by the licensee of all community agreement phone conversations and must be maintained for the duration of the community agreement; and
- d) any noise sensitive receiver who requests a copy of the phone agreement must be supplied with one.

E1.7 The licensee must report to the EPA the community consultation and agreement process that was undertaken with the Community Affected Catchments.

This report to the EPA must be:

- a) prepared in writing;
- b) detail the steps taken to fulfil the requirements of condition E1.3, E1.4, E1.5 and E1.6;
- c) demonstrate that the Noise Sensitive Receivers understood the nature of the works and any predicted impacts, including that consideration was made of additional requirements relevant to the needs of culturally and linguistically diverse Noise Sensitive Receivers;
- d) provide the script used during the community consultation with Noise Sensitive Receivers;
- e) report community response and consent rates (including where no contact could be made) against the total community affected catchments, and must be broken down into response and consent rates based on sub-catchments that are delineated by affectation levels;
- f) include a noise validation monitoring plan as required by E1.8; and
- g) be submitted to the EPA at least 15 business days prior to any works that are the subject of the agreement

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being undertaken unless prior arrangements have been made with the EPA.

A copy of the report must be:

- a) kept by the licensee for the duration of this licence including on the premises, and made available to an EPA authorised officer on request; and
- b) be made available on the licensee's project website or another website approved in writing by the EPA, for the duration of the Out of hours works covered by condition E1.1.

Note: Personal details of Noise Sensitive Receivers must be omitted.

E1.8 Noise Monitoring

A noise validation monitoring plan must be submitted to the EPA as part of the community agreement documentation prior to any OOHW that are subject to the community agreement.

E1.9 Validation monitoring must be undertaken for any works that are the subject of a community agreement and must:

- a) be performed by a suitably qualified and experienced person;
- b) be performed on at least the first 2 nights where OOHW will be undertaken;
- c) be performed on any other night where the nature of the works is likely to cause greater noise impacts than the first 2 nights;
- d) be representative of the impacts;
- e) be undertaken in accordance with the monitoring plan prepared under condition E1.8; and
- f) be recorded and provided to an EPA officer upon request; and
- g) be performed during the day time or evening time period if out of hours works are only occurring during these times.

E1.10 If validation monitoring undertaken under Condition E1.9 shows that noise levels are higher than those predicted by any noise modelling undertaken as part of the community agreement, work practices must be modified immediately so that measured noise levels do not exceed predicted levels.

Where it has been determined that works cannot be modified to achieve the predicted noise levels:

- a) the licensee must report immediately to the EPA; and
- b) the licensee must cease works associated with the agreement.

E1.11 Ongoing community engagement and agreement

a) For any community agreement longer than 28 calendar days, the licensee must be able to demonstrate agreement from the community is maintained and continuing. To demonstrate agreement from the community is maintained and continuing the licensee must:

- i. engage the community to determine if a substantial majority of noise sensitive receivers continue to support the agreement pursuant to the re-engagement period determined under condition E1.3(d);
- ii. provide the EPA with a report within 7 calendar days of the end of each re-engagement period summarising the community response and comparing community agreement rates against previous community agreement rates; and

b) Where the licensee is unable to demonstrate a substantial majority of agreement from the community is maintained and continuing:

- i. the licensee must report immediately to the EPA; and
- ii. the licensee must cease works associated with the agreement.

E2 The Bays WTP Proof of Performance

E2.1 Water Treatment Plant (WTP) Performance Reporting

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A) The licensee must undertake water quality sampling of all discharges from the temporary water treatment plant(s) at The Bays site (as identified as Point 3 under condition P1.1) and submit to the EPA a WTP Performance Report within 10 business days of each sample result being taken.

Sampling must be undertaken;

- i) daily on the first 3 days of discharges,
- ii) weekly for the first month of discharges,
- iii) fortnightly for the first 3 months,
- iv) As per condition M2.2, following this sampling frequency or as directed by the EPA.

B) The WTP Performance Report must:

- i) include results of all discharge quality monitoring with a comparison to all pollutants listed in conditions L2.4 and M2.2 for Point 3.
- ii) include results of all WTP influent quality, and
- iii) be emailed to the EPA to info@environment.nsw.gov.au

Note: The purpose of this condition is to allow proof of performance testing to assist the EPA in setting accurate discharge limits for the temporary WTP. The EPA will review the limits against the performance of the temporary WTP and revise them as appropriate.

E3 Special Dictionary

E3.1 Special Dictionary

| Term | Meaning |
|---|---|
| Best Achievable Noise Performance Objectives | The construction noise level predicted at a receiver location after all feasible and reasonable noise mitigation measures have been incorporated into the prediction model and considered in deriving the predicted noise level |
| Detailed/Construction Noise and Vibration Impact Assessment is a document or suite of documents that: | Describe the construction activities proposed; identifies the potential impacts of those activities on the community; the measures that will be used to reduce impacts on the affected community; how the community will be informed and engaged; and, how noise impacts will be monitored and enforced. They are often referred to as Noise and Vibration Management Plans, Construction Noise and Vibration Impact Statements, Construction Method Statements, Work Method Statements and the like. |
| Construction Work | includes all construction work and activities, and all construction-related work and activities, undertaken on the premises |
| High Noise Impact Activities and Works | means jack hammering, rock breaking or hammering, pile driving, vibratory rolling, cutting of pavement, concrete or steel or other work occurring on the surface that generates noise with impulsive, intermittent, tonal or low frequency characteristics |
| Interim Construction Noise Guidelines (ICNG) | Interim Construction Noise Guidelines (DECC, July 2009) |

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| In Writing | documents are to be submitted electronically unless otherwise requested by EPA |
| Noise Management Level (NML) | has the same meaning as "Airborne Noise Management Levels" in the Interim Construction Noise Guideline (DECC 2009) |
| Noise sensitive receiver | Land uses that are sensitive to noise, including residences and other sensitive land uses detailed in Table 3 of the Interim Construction Noise Guideline (DECC 2009) |
| Operating Hours | means hours during which any construction-related works or activities are being undertaken, including outside of standard construction hours |
| Out of Hours | means hours outside those prescribed by condition L5.1 |
| Rating Background Level (RBL) | the same meaning as in the Interim Construction Noise Guideline (DECC 2009) |
| Residence | A lawful and permanent structure erected in a land-use zone that permits residential use (or for which existing use rights under the EP&A Act apply) where a person/s permanently reside and is not, nor associated with, a commercial undertaking such as caretakers quarters, hotel, motel, transient holiday accommodation or caravan park |
| Resource Recovery Order and/or Exemption | As described under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 |
| Suitably Qualified and Experienced Person - For the purpose of noise monitoring, must satisfy one or more of the following | <ul style="list-style-type: none"> • Have qualifications and/or experience sufficient to fulfil the requirements of 'member' grade of the Australian Acoustical Society • Undertake duties of an acoustic consultant on behalf of a firm that is a member of the Association of Australasian Acoustical Consultants • Have a recognised tertiary qualification in a discipline pertinent to acoustics • Demonstrate competence through professional experience and/or technical expertise to the satisfaction of the EPA if requested. |

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Dictionary

General Dictionary

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| 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 |

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Environment Protection Authority

(By Delegation)

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End Notes