

# Licence Variation

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Licence - 21762



FULTON HOGAN CONSTRUCTION PTY LTD

ABN 46 010 240 758 ACN 010 240 758

Via email: [nathan.russell@fultonhogan.com.au](mailto:nathan.russell@fultonhogan.com.au)

Attention: Mr Nathan Russell

Notice Number      1646442  
File Number        DOC25/51481  
Date                 04-Feb-2025

## NOTICE OF VARIATION OF LICENCE NO. 21762

### BACKGROUND

- A. FULTON HOGAN CONSTRUCTION PTY LTD (Licensee) is the holder of Environment Protection Licence No. 21762 (Licence) issued under the *Protection of the Environment Operations Act 1997* (Act). The licence authorises the carrying out of activities at (Premises).
- B. On 20 December 2024, the Environment Protection Authority (EPA) received the 'Community Consultation and Agreement' (Report) in accordance with Condition E1.2 of the Licence. The EPA has reviewed the Report and has approved (EPA reference: DOC25/45150) the extension to work outside of standard hours (as defined in Condition L5.1).
- C. Per Condition E1.7, the approval is valid for 9 months, with further community consultation and agreement required for any works outside of standard hours beyond that time.


### VARIATION OF LICENCE NO. 21762

1. By this notice the EPA varies licence No. 21762. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
  - Condition L5.1 Note: has been updated to reflect the date and reference of the approval for out of hours work; and
  - Condition E1.1 Note: has been updated to reflect the date and reference of the approval for out of hours work.
  - Condition E1.7 b) i.: has been updated to reflect the date of the approval for out of hours work.

## Licence Variation

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**Steve Clair**

**Acting 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**

- 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

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Licence Details	
Number:	21762
Anniversary Date:	28-February

Licensee	
FULTON HOGAN CONSTRUCTION PTY LTD	
PO BOX 6099	
ALEXANDRIA NSW 2015	

Premises	
NEWCASTLE INNER CITY BYPASS - RANKIN PARK TO JESMOND	
JESMOND NSW 2299	

Scheduled Activity	
Road construction	

Fee Based Activity	Scale
Road construction (>=50,000T & road to be constructed <10km)	> 500000-2000000 Remaining extraction or processing

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



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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:

**FULTON HOGAN CONSTRUCTION PTY LTD**

**PO BOX 6099**

**ALEXANDRIA NSW 2015**

subject to the conditions which follow.

# Environment Protection Licence

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## 1 Administrative Conditions

### A1 What the licence authorises and regulates

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

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

Scheduled Activity	Fee Based Activity	Scale
Road construction	Road construction ( $\geq 50,000\text{T}$ & road to be constructed $< 10\text{km}$ )	$> 500000 - 2000000$ Remaining extraction or processing

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

- A2.1 The licence applies to the following premises:

Premises Details
NEWCASTLE INNER CITY BYPASS - RANKIN PARK TO JESMOND
JESMOND
NSW 2299
CONSTRUCTION OF NEWCASTLE INNER CITY BYPASS BETWEEN RANKIN PARK & JESMOND

- A2.2 In relation to Condition A2.1, the premises are defined by the most recent premises map(s) held on EPA Electronic File EF22/14934, 'Premise boundary maps' 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 10 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;
  - be lawful and permitted under the relevant approval; and
  - if changes to the nature of works are proposed, the licensee must demonstrate any additional 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 website or a related website approved in writing by the EPA no more than 5 business days after the approval





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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.

A2.5 Premise maps are not deemed to be approved by the EPA unless confirmed as such in writing by the EPA.

## A3 Information supplied to the EPA

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

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

- 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 Unless specifically stated by another condition of this licence, Environmental Management Plans or systems supplied to the EPA by the licensee do not form part of this licence.

## A4 Other administrative conditions

A4.1 No works or activities at the premises authorised by this licence is to commence before Monday 6th March 2023.

## 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*

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EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge Quality Monitoring	Discharge Quality Monitoring	Irrigation discharge points identified for land application areas referred to in condition P1.3 of this licence
2		Discharge to waters	The outlet from sediment basins referred to in condition P1.3 of this licence.

- P1.3 All licensed monitoring, discharge points and sediment basins on the premises referred to in condition P1.2, must be approved by the EPA and identified in a schedule submitted to the EPA. The schedule, including any proposed updates, must:
- a) be submitted to the EPA in electronic format no less than 10 business days prior to any changes; and
  - b) include the following information:
    - i. unique identifiers consistent with the maps(s) required by condition P1.4;
    - 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 all licensed monitoring and discharge points.

Note: The schedule is maintained on electronic file EF22/14934.

- P1.4 The licensed monitoring and discharge points and all sediment basins, identified in the schedule referred to in condition P1.3, must be clearly described on a complete map set containing unique identifiers for revision number, map sheet numbers and issue date most recently submitted and approved in writing by the EPA.

Note: the map(s) are maintained on electronic file EF22/14934.

## 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/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.



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L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

L2.4 Water and/or Land Concentration Limits

## POINT 1,2

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 2

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Turbidity	nephelometric turbidity units				46

- L2.5 Exceeding the limits specified in Condition L2.4 of this licence for discharges 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; 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 O4.2 of this licence.

Basin Classification	Location	Design 5 day rainfall depth
85th Percentile Sediment Basins	Newcastle	38.9mm
80th Percentile Sediment Basins	Newcastle	30.5mm

L2.6 All 80th Percentile Sediment Basins must have either:

- "enhanced erosion controls" as described in Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition (Landcom, 2004); or
- erosion control and site rehabilitation standards appropriately increased to a higher standard as required by Best Practice Erosion and Sediment Control (IECA 2008); or
- other industry best practices, documented which demonstrates improved or equivalent outcomes for the



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environment.

- L2.7 If the licensee uses nephelometric turbidity units (e.g. NTU) in place of TSS to determine compliance with Condition L2.4, the licensee must:
- a) 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);
  - b) develop a method to enable the ongoing verification of the relationship between turbidity and TSS;
  - c) provide the EPA with a copy of the methodologies detailed in a) and b), including relevant results, before using turbidity in place of TSS; and
  - 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.

Note: The licence requirements of Condition L2.7 do not apply if pollutants are already specified in Condition L2.4 table as nephelometric turbidity units.

## 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:
- a) implement the guidance in the Interim Construction Noise Guideline (DEC, 2009) and the Assessing Vibration: a technical guideline (DEC, 2006);
  - b) implement all reasonable and feasible measures to minimise noise impacts in accordance with the Interim Construction Noise Guideline (DEC, 2009); and
  - c) 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 and Works' 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 Noise Sensitive Receiver location before assessment against the Interim Construction Noise Guideline (DECC, 2009) noise management levels.

## L4 Blasting

- L4.1 Blasting detonations must:
- a) only be undertaken between the hours of 9:00 am and 5:00 pm Monday to Friday; and
  - b) only be undertaken between the hours of 9:00 am and 1:00 pm Saturday, and
  - c) not be undertaken on Sundays or Public Holidays; and
  - d) only be undertaken outside of the abovementioned hours where:
    - i. a safety reason exists; and
    - ii. the licensee notifies the EPA's environment line as soon as reasonably practicable.
- L4.2 When blasting operations occur at the premises, the airblast overpressure level must not exceed 120 dB (lin peak) at any time at the most impacted residence or other sensitive receiver.
- L4.3 When blasting operations occur at the premises the ground vibration peak particle velocity must not exceed





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10 mm/sec at any time at the most impacted residence or other sensitive receiver.

- L4.4 Blasts, with the exception of trial blasts, must be limited to two detonations in any one day, and a maximum of five per week impacting the same Noise Sensitive Receivers.

Note: For the purposes of this condition, a single detonation may involve a number of individual blasts fired in quick succession in a discrete area.

- L4.5 To determine compliance with condition(s) L4.2 to L4.4:

- a) Airblast overpressure and ground vibration levels must be measured and electronically recorded for all blasts carried out in or on the premises at location(s) representative of the most effected Noise Sensitive Receiver(s) that is not owned by the licensee or subject to a private agreement with the licensee;
- b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006: Explosives—Storage and use Part 2: Use of explosives; and
- c) Error margins associated with any monitoring equipment used to measure airblast overpressure and ground vibration levels are not to be taken into account in determining whether or not the limit has been exceeded.

## L5 Hours of operation

- L5.1 Standard construction hours

Unless permitted by another condition of this licence, works and activities must:

- a) only be undertaken between the hours of 7:00 am and 6:00 pm Monday to Friday;
- b) only be undertaken between the hours of 8:00 am and 5:00 pm Saturday; and
- c) not be undertaken on Sundays or Public Holidays.

Note: Pursuant to condition E1.1 the licensee has obtained EPA approval via letter dated 21 January 2025 (DOC25/45150) to conduct work outside of "standard construction hours" (between 6pm and 7am on Sunday to Thursday) as the licensee has obtained community agreement. Specifically, a substantial majority of the Noise Sensitive Receivers who were contacted have consented to works outside of standard construction hours. The EPA will reassess this approval based on the performance of the licensee and has required via condition E1.7(b) that each 9 months (starting from the date EPA approved the active community agreement) the licensee must re-engage with the community to demonstrate if a substantial majority of the Noise Sensitive Receivers continue to consent to works outside of standard construction hours.

- L5.2 High Noise Impact Activities and Works

Unless permitted by another condition of this licence, any High Noise Impact Activities and Works that exceed the applicable Noise Management Level (NML) at a Noise Sensitive Receiver must only be undertaken:

- a) between 8:00 am and 6:00 pm Monday to Friday;
- b) between 8:00 am and 1:00 pm Saturday; and
- c) 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

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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 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 standard construction hours specified in condition L5.1 if the works and activities do not cause, when assessed 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) as applicable;
- b) L<sub>A</sub>max noise levels greater than 15dB above the night RBL for night works;
- c) 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
- d) 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.

The notification requirements under condition L5.9 do not apply to 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 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 4:00 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.

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 L5.9.



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- L5.5 The licensee must make all reasonable and feasible efforts to coordinate all works outside of standard construction hours with any neighbouring concurrent construction works that have the potential to impact the same Noise Sensitive Receivers. The licensee must ensure Respite Periods are being achieved as much as is reasonably practicable.

This condition does not apply to low impact noise work permitted by condition L5.3 or emergency works permitted by L5.4 of this licence.

- L5.6 Works outside of standard construction hours

Under this condition, works and activities may be undertaken outside of standard construction hours specified in condition L5.1 and L5.2, but only 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 31000:2018 "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.

- L5.7 Works outside of standard construction hours - Regulatory Requirements

In undertaking any works and activities outside of standard construction hours under condition L5.6, 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 works and activities outside of standard construction hours;
  - ii. predictions of LAeq (15 minute) dB noise levels at noise sensitive receivers from these 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 works and activities, 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 L5.7(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 works and activities 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 and Works are undertaken prior to 12:00 am (midnight).
- h) Where high noise impact activities are undertaken after 12:00 am (midnight), the respite provisions in condition L5.2(c) apply.





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- i) Upon request of an authorised officer, the licensee must provide within 5 business day:
  - i. the construction noise and vibration impact assessment required by condition L5.7(a);
  - ii. noise monitoring results required by condition L5.7(b);
  - iii. written evidence demonstrating the works are necessary and permitted under condition L5.6; and/or
  - iv. any other relevant information or records requested by the EPA.
- i) the notification requirements under condition L5.9 apply to this condition.

- L5.8 Out of hours works implemented in accordance with the Project's Conditions of Approval**  
The licensee may undertake critical work outside of the hours specified in Condition L5.1 where it has been demonstrated to the EPA's satisfaction that:
- a) There is a demonstrated technical or critical justification that the works outside of the standard construction hours are necessary for the completion of the works; and
  - b) All reasonable measures have been undertaken to consult with any affected sensitive receptors prior to each occasion that out-of-hours works are proposed under this condition; and
  - c) All reasonable and feasible noise and vibration mitigation and management measures will be implemented for the proposed works; and
  - d) Prior consultation has been undertaken with relevant parties including the EPA and Transport for New South Wales; and
  - e) Any works undertaken through these provisions are to be reported to the EPA within 10 working days of the end of each month.

- L5.9 Works outside of standard construction hours - Notification**  
The licensee must notify potentially affected Noise Sensitive Receivers of works outside of standard construction hours unless notification under this condition is not required as specified in another condition of this licence.
- a) The notification must:
    - i. be given not less than 5 calendar days and not more than 14 calendar days before those works are to be undertaken, unless otherwise agreed with the affected community and notified to the EPA;
    - ii. be undertaken by letterbox drop, email, text message or other targeted and equivalent method; and
    - iii. be detailed on the project website or other relevant website notified to the EPA.
  - 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 streets and local landmarks;
    - iii. include details of the date, timing and 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;
    - 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; and
    - viii. include consideration of culturally and linguistically diverse Noise Sensitive Receivers where required.

## L6 Potentially offensive odour

- L6.1** No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the





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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.

## 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.

O2.2 All erosion and sediment control measures installed on the premises are considered as 'plant and equipment' for the purpose of complying with condition O2.1 of this licence.

### O3 Dust

O3.1 All activities occurring at the premises must be carried out in a manner that will minimise the generation and prevent 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.

### 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, constructed, operated and maintained consistent with the principle and practices of industry best practice, including but not limited to:

- a) Managing Urban Stormwater – Soils and Construction, Volume 2D, Main Road Construction (DECC,

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2008), to be read and used in conjunction with Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition (Landcom, 2004);

b) Best Practice Erosion and Sediment Control (IECA 2008); and

c) 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 ensure that all vehicles, motorised plant and equipment leaving the premises do not deposit mud, soil, sand, gravel and any other materials onto public roads.

O4.4 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; and

b) keep records of the available water and sediment storage capacities in each sediment basin and provide to an authorised officer upon request.

O4.5 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.

O4.6 Irrigation of water to any irrigation area must be carried out in a manner such that:

a) Vegetation is not damaged;

b) Soil erosion and soil structure is avoided;

c) Water must not pond or pool or cause waterlogging of soils;

d) The quality of surfacewater and groundwater is not adversely affected; and

e) 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.

O4.7 The licensee must develop and implement appropriate procedures for the operation and management of all land irrigation areas.

O4.8 Irrigation is not deemed to include activities undertaken for the purposes of dust suppression.

## O5 Waste management

O5.1 The licensee must keep detailed records of waste generated, received or removed from the premises that includes (at a minimum):

a) details of all waste transporters and 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);

b) documented evidence (such as a licence) from each place of disposal that they can lawfully receive and manage (store, process, reuse, dispose) the types of waste proposed to be transported there;

c) the location(s) for all waste stored at the premises;

d) details of all waste received on the premises or transported off the premises that is subject to a Resource



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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;

- e) legible copies of all documents/records evidencing that all waste transported from the premises was taken to and received at a facility/premises that lawfully accept and process the waste as intended; and
- f) keep legible copies of any waste tracking documentation required for the offsite transport of the waste to demonstrate the waste was tracked in accordance with NSW legislation.

O5.2 The licensee must not cause, permit or allow any waste generated outside the licensed premises to be received at the licensed premises, except:

- a) virgin excavated natural material;
- b) as expressly permitted by a condition of this licence; or
- c) 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:

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

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

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

### M2 Requirement to monitor concentration of pollutants discharged

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

M2.2 Water and/ or Land Monitoring Requirements

POINT 1,2



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Pollutant	Units of measure	Frequency	Sampling Method
Oil and grease (Wet)	Visible	Special Frequency 1	Visual Inspection
pH	pH	Special Frequency 1	Probe

## POINT 2

Pollutant	Units of measure	Frequency	Sampling Method
Turbidity	nephelometric turbidity units	Special Frequency 1	Probe

- 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.

## 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 and vibration monitoring for the purposes of determining compliance with the conditions of this licence must be undertaken by a Competent Person as defined in the special dictionary of this licence.
- M4.2 All noise monitoring for the purposes of determining compliance with the conditions of this licence must consider and be generally undertaken in accordance with;
- Australian Standard AS 1055: 2018 Acoustics - Description and measurement of environmental noise; and
  - 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:
- undertaken in accordance with the technical guidance provided in the Assessing Vibration: a technical guideline (DEC, 2006); and
  - assessed and reported against the acceptable and maximum 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. Where the monitoring is requested to take place on private land (for example a residential property) the licensee must request permission to access the premises in advance and keep a record of permission requests and responses. If a licensee is unable to obtain permission, the licensee must undertake the monitoring at an indicative location where possible and they must provide the response (including any nil





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response) to the EPA.

## M5 Weather monitoring

M5.1 The licensee must monitor and record temperature, 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 the premises;
- 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.

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.

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.

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 28 February 2023 the date of the issue of this licence.

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- M7.4** Unless otherwise undertaken by the project proponent, the licensee must undertake the following community notification activities:
- a) include on the project website or other relevant website information on:
    - i. the nature, location and estimated construction time of the works;
    - ii. what works are expected to exceed Interim Construction Noise Guideline (DECC, 2009) noise management levels and the noise control measures to be implemented;
    - iii. how members of the public can make a complaint on the telephone complaints line and online;
    - iv. the after hours contact telephone number for any out of hours works permitted by this licence; and
    - v. how the complaints will be processed;
  - b) public notices in local newspapers, including community language newspapers including the information required by part a) of this condition;
  - c) clear signage at the boundary of each worksite that contains both the telephone complaints line number and the project website details;
  - d) 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.

## 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.
- 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.
- 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:



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

- R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
  - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

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.

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

## R2 Notification of environmental harm

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

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.

## 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;



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- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

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

## R4 Other reporting conditions

R4.1 The licensee must record all inspections of erosion and sediment control measures installed on the premises, including observations and works undertaken to repair and maintain these measures, and provide these records to an authorised officer upon request.

### R4.2 Daily Complaints Reports

- a) The licensee must submit by 4:00 pm each business day a report to the EPA that provides details of all complaints relating to activities regulated by this licence received on the telephone complaints line required by 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) 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 4:00pm on the next business day.

### R4.3 Noise and Vibration Reports

- a) 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.
- b) The Preliminary Investigation Report must be submitted to the EPA by 4:00 pm on the afternoon of the next working day following any noise or vibration monitoring or other time as agreed in writing by EPA.
- c) 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 and vibration 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 the activities, relevant noise modelling and any relevant noise guidelines.





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- R4.4 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 ("the plans") prepared for the activities, the licensee must:
- a) investigate the cause of the exceedance and identify whether all feasible and reasonable noise and vibration mitigation measures identified in the plans have been effectively deployed;
  - b) identify any noise and vibration measures recommended in the plans that were not effectively deployed;
  - c) assess appropriate remedial actions to seek to achieve the best achievable noise performance objectives;
  - d) submit a Follow-Up Investigation Report to the EPA within 5 business days (unless agreed in writing by the EPA) of any noise or vibration monitoring having been undertaken that detected the exceedance; and
  - e) include the following information in the Follow-Up Investigation Report:
    - i. confirmation of whether noise monitoring has been undertaken in accordance with AS1055:2018 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: 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.

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## 8 Pollution Studies and Reduction Programs

### U1 Discharge Monitoring Pollution Study

- U1.1 The licensee must employ a suitably qualified consultant to develop and implement a Discharge Monitoring Pollution Study to monitor the Water Concentration Limits specified by condition L2.4 of the licence with attention to the adopted interim 100th percentile discharge concentration limit for turbidity at Point 2. The licensee must:
- Sample and analyse the discharges to waters from all sediment basins, identified in the schedule referred to in condition P1.3 of the licence,
  - Sampling must occur for a minimum 6-month period to determine if the interim turbidity limit specified in condition L2.4 is adequate to ensure that the discharge from premises sediment basins comply with Condition L1.1, with consideration to discharges that occur in compliance with Condition L2.5,
  - Samples must be taken from the discharge sampling monitoring point(s),
  - Monitoring must also include samples taken from a location representative of a downstream sensitive receiving environment, which may involve sampling ephemeral streamlines within the premises boundary or named tributaries at a location up to 50 meters from the basin discharge point.
  - Both upstream and downstream locations must be sampled respective to all sediment basins identified in the schedule referred to in condition P1.3,
  - The licensee must justify in the report if an upstream sample could not be obtained for any of the sampling occurrences.
  - A minimum of 6 samples at the sampling locations must be collected over a 6-month monitoring period,
  - Sampling must be undertaken in accordance with condition M2.3 (Special Frequency 1) or on a monthly basis if sufficient rainfall occurs,
  - Sampling must be undertaken in accordance with EPA Approved Methods for sampling and analysis,
  - The water monitoring plan must consist of the following analysis programmes;
    - general analysis (4 samples) - incorporates analysis of the concentrations of Total Suspended Sediment (TSS), nephelometric turbidity units (NTU), oils and Greases and pH,
    - monitoring results must be submitted to the EPA in the form of a report after the initial 6-month period, and
    - if the licensee is unable to acquire the services of a suitably qualified consultant to conduct the sampling required during premises short notice dewatering procedures. The licensee must furnish to the EPA a justification why the consultant could not be obtained and demonstrate how alternate measures adopted comply with the sampling requirements of Condition U1.

Note: The results of the analysis will be used to determine if further work is required to ensure that the discharge to waters from the premises complies with Section 120 of the POEO Act.

## 9 Special Conditions

### E1 Community Agreements

- E1.1 Work outside standard construction hours- community consultation and agreement  
The licensee may work outside standard construction hours (as defined in L5.1) in circumstances other than those permitted under conditions L5.3, L5.4, or any other condition of this licence if the Licensee:



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- a) undertakes community consultation and agreement as described in E1.2;
- b) submits to the EPA a written request to work outside the standard construction hours attaching information set out in E1.3; and
- c) obtains approval by the EPA to work outside standard construction hours. The EPA may, in exercising its discretion to approve the works outside standard construction hours, review whether the licensee has obtained community agreement. Specifically, whether a substantial majority of the individual Noise Sensitive Receivers who together comprise the Community Affected Catchments and were contacted has consented to the planned works out of standard hours.

Note: Pursuant to condition E1.1 the licensee has obtained EPA approval via letter dated 21 January 2025 (DOC25/45150) to conduct work outside of Condition L5.1 "standard construction hours" (between 6pm and 7am on Sunday to Thursday) as the licensee has obtained community agreement. Specifically, a substantial majority of the Noise Sensitive Receivers who were contacted have consented to works outside of standard construction hours. The EPA will reassess this approval based on the performance of the licensee and has required via condition E1.7(b) that each 9 months (starting from the date EPA approved the active community agreement) the licensee must re-engage with the community to demonstrate if a substantial majority of the Noise Sensitive Receivers continue to consent to works outside of standard construction hours.

## E1.2 Requirements for community consultation and agreement

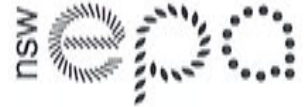
Any community consultation and agreement undertaken with respect to the proposed out of hours works (OOHW) must:

- 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) include consultation of all noise sensitive receivers within the Community Affected Catchments. This includes Noise Sensitive Receivers that have declined to participate in previous agreements unless a community member has explicitly requested not to be involved in any future consultation about future OOHW;
- c) ensure that the noise sensitive receivers understand the nature of the works and any predicted impacts, including that consideration is made of additional requirements relevant to the needs of culturally and linguistically diverse Noise Sensitive Receivers, and include details for interpreting services for languages other than English where required.
- d) include in the community consultations with Noise Sensitive Receivers the following information:
  - i. the actual works proposed;
  - ii. any expected impacts in clear, plain English based on noise modelling;
  - iii. the expected duration of the works;
  - iv. any expected benefits for receivers;
  - v. any other known 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.
- e) request consent from the Noise Sensitive Receiver for their responses to be provided to the EPA;
- f) ensure that a record is kept when 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; and
- g) demonstrate, where the OOHW is predicted to go on longer than 28 calendar days, that 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.

Detailed records are to be maintained by the licensee of all community consultations, including attempts to contact Noise Sensitive Receivers, and must be maintained for the duration of the licence.



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Any Noise Sensitive Receiver who requests a copy of the record of conversations must be supplied with one.

**E1.3** 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 E1.2;
- 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 E1.4; and
- g) be submitted to the EPA at least 15 business days prior to any works that are the subject of the agreement 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 OOHWs permitted under condition E1.1. (Personal details of Noise Sensitive Receivers must be omitted).

**E1.4** Noise Validation Monitoring

A noise validation monitoring plan must be submitted to the EPA for approval as part of the community agreement documentation prior to any OOHW occurring.

**E1.5** Validation monitoring must be undertaken for any OOHW that are the approved under condition E1.1 and must:

- a) be undertaken in accordance with the monitoring plan prepared under condition E1.4;
- b) be performed by a Competent Person;
- c) be performed on at least the first 2 occasions (day, evening, nights) where OOHW will be undertaken and are likely to impact Noise Sensitive Receivers;
- d) be performed on any other occasion (day, evening, night) where the nature of the works is likely to cause greater noise impacts than the first 2 occasions;
- e) be representative of the impacts in terms of monitoring locations, time and duration of measurements; and
- f) be recorded and provided to an EPA officer upon request.

**E1.6** If validation monitoring undertaken under Condition E1.5 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) after considering the circumstances EPA may withdraw its permission under E1.1.



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- E1.7 Ongoing community engagement and agreement
- a) For any approval of OOHW under E1.1 predicted to take longer than 28 calendar days to remain valid, the licensee must be able to demonstrate agreement from the community is maintained and continuing.
  - b) To demonstrate agreement from the community is maintained and continuing the licensee must:
    - i. each nine months (starting 21 January 2025), engage the community to determine if a substantial majority of Noise Sensitive Receivers continue to consent to the OOHW.
    - ii. provide the EPA with a report within 7 calendar days of the end of each re-engagement period that includes: a summary of the community response; ongoing consent rates of the Noise Sensitive Receivers; and a summary of all noise complaints since construction began that details the address from which the complaint relates to, the date, time and nature of complaint; and
  - c) Where the licensee is unable to demonstrate a substantial majority of agreement from Community Affected Catchment is maintained and continuing:
    - i. the licensee must report immediately to the EPA; and
    - ii. after considering the circumstances EPA may withdraw its permission under E1.1.

## E2 Groundwater Management

- E2.1 The licensee must ensure that all groundwater made from dewatering activities on the premises is not discharged into any sediment basin until a groundwater monitoring and dewatering plan is developed and approved by the EPA.
- E2.2 The licensee must ensure that all groundwater made from dewatering activities on the premises is not used for any irrigation purposes until a groundwater monitoring and dewatering plan is developed and approved by the EPA.

## 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
Community Affected Catchment	means the combined group of all noise sensitive receivers who are either: <ul style="list-style-type: none"><li>a) predicted by the licensee to be impacted by noise levels exceeding those specified in Condition L4.3a) and L4.3b); or</li><li>b) predicted by the licensee to be impacted by noise levels above a highly noise affected level of 75dB(A).</li></ul>



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Competent Person - for the purpose of noise monitoring, must satisfy one or more of the following:

- 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
- Be able to demonstrate competence through professional experience and/or technical expertise to the satisfaction of the EPA

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.

High Noise Impact Activities and Works means construction works which exceed the applicable NML at sensitive receiver locations and are:

- Identified as particularly annoying in section 4.5 of the ICNG; and/or,
- Works identified as 'Highly Noise Intensive Works' in a planning approval for the activities in this licence; and/or
- Any other activity identified by the EPA, and advised to the licensee, following an assessment of the character of the noise emitted by the activity based on the Noise Policy for Industry, Fact Sheet C considerations (EPA, 2017).

Interim Construction Noise Guidelines (ICNG)

Interim Construction Noise Guidelines (DECC, July 2009)

In Writing

documents are to be submitted electronically unless otherwise requested by EPA. Documents required to be kept on the premises may be soft copy or hard copy.

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 Works (OOHWs)

means hours outside standard construction hours as set out in L4.1.

Rating Background Level (RBL)

the same meaning as in the Interim Construction Noise Guideline (DECC 2009)





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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
Respite Period	Respite periods can be any combination of days or hours where out-of-hours work would not be more than 5 dB(A) above the rating background noise level at any residence.
Relevant Road Network Operator	means the local, state or Commonwealth government department responsible for the operational performance of the relevant road/s where activities are occurring.

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## Dictionary

### General Dictionary

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



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





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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
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Simon Lund

Environment Protection Authority

(By Delegation)

Date of this edition: 28-February-2023

End Notes		
2	Licence varied by notice	1628897 issued on 24-May-2023
3	Licence varied by notice	1635442 issued on 22-Jan-2024
4	Licence varied by notice	1639301 issued on 14-Jun-2024