

# Environment Protection Licence



Licence - 20287

Licence Details	
Number:	20287
Anniversary Date:	16-August

Licensee
LEIGHTON CONTRACTORS PTY LIMITED
TOWER A, LEVEL 4, 799 PACIFIC HIGHWAY
CHATSWOOD NSW 2067

Premises
EPPING TO THORNLEIGH THIRD TRACK PROJECT
6KM CORRIDOR ALONG THE EXISTING NORTHERN RAIL LINE BETWEEN EPPING STATION AND THORNLEIGH STATION
HORNSBY NSW 2077

Scheduled Activity
Railway Systems Activities

Fee Based Activity	Scale
Railway systems activities	Any annual capacity

Region
Metropolitan Infrastructure
Level 7, 79 George Street
PARRAMATTA NSW 2150
Phone: (02) 9995 6804
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PO Box 668 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); and
- 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:

LEIGHTON CONTRACTORS PTY LIMITED
TOWER A, LEVEL 4, 799 PACIFIC HIGHWAY
CHATSWOOD NSW 2067

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
Railway Systems Activities	Railway systems activities	Any annual capacity

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

A2.1 The licence applies to the following premises:

Premises Details
EPPING TO THORNLEIGH THIRD TRACK PROJECT
6KM CORRIDOR ALONG THE EXISTING NORTHERN RAIL LINE BETWEEN EPPING STATION AND THORNLEIGH STATION
HORNSBY
NSW 2077
SEE CONDITION A2.2 FOR A FULL DESCRIPTION OF THE LICENSED PREMISES.

A2.2 The premises is defined in pages 1 to 11 of the ETTT ALLIANCE Environmental Protection Licence - Premise Boundary Rev 1 maps dated 18/7/13.

Copies of these plans are held on EPA file no. LIC13/189.

### 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 other conditions of this licence, Environmental Management Plans or

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Systems supplied to the EPA by the licensee do not form part of this licence.

## 2 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 Noise limits

- L2.1 All works and activities must be undertaken in a manner that will minimise noise and vibration impacts on sensitive receivers.
- L2.2 The licensee must ensure that all feasible and reasonable noise and vibration mitigation and management measures are implemented during construction work authorised by this licence, in accordance with the *Interim Construction Noise Guideline (DECC, 2009)*.

### L3 Hours of operation

#### L3.1 Standard construction hours

Unless permitted by another condition of this licence, construction 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 1:00 pm Saturday; and
- c) not be undertaken on Sundays or Public Holidays.

#### L3.2 Exemptions to standard construction hours

The following construction work may be undertaken outside of the hours specified by Condition L3.1:

- a) Construction work that causes  $L_{Aeq(15\text{minute})}$  noise levels that are:
  - (i) no more than 5 dB above rating background level at any residence in accordance with the *Interim Construction Noise Guideline (DECC, 2009)*; and
  - (ii) no more than the noise management levels specified Table 3 of the *Interim Construction Noise Guideline (DECC, 2009)* at other sensitive land uses;
- b) Delivery of plant, equipment and materials required to be delivered out of hours for safety reasons;
- c) Rail maintenance works including tamping and regulating to remediate vertical or horizontal movement >4 mm in track geometry that has occurred as a direct result of works being undertaken for the project;

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and

d) Emergency construction works or activities to ensure the safe operation of rail or avoid loss of life, damage to property, or environmental harm. The licensee must:

(i) on becoming aware of the need to undertake emergency construction work, notify the Environment Protection Authority's Environment Line on 131 555 of the need for those activities or work; and:

(ii) the next working day following the emergency works, submit a report to the EPA's Manager Metropolitan Infrastructure detailing:

1. the cause, time and duration of the emergency;
2. action taken by the licensee in relation to the emergency; and
3. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of the emergency.

## L3.3 High Noise Impact Works

High noise impact works and activities must only be undertaken:

- a) between the hours of 8:00am to 6:00pm Monday to Friday;
- b) between the hours of 8:00am to 1:00pm Saturday; and
- c) in continuous blocks not exceeding 3 hours each with a minimum respite from those activities and works of not less than 1 hour between each block.

except as expressly permitted by Condition L3.4, L3.5 and L3.6 or another condition of this licence.

For the purposes of this condition 'continuous' includes any period during which there is less than a 1 hour respite between ceasing and recommencing any of the work that is the subject of this condition.

## L3.4 Works Approved Outside of Standard Construction Hours - Local Possessions

a) Works and activities may be undertaken during any local possession, but only if:

(i) carrying on those works and activities during standard construction hours (specified in Condition L3.1) would cause unacceptable risks to;

- (1) construction personnel safety;
- (2) rail passenger and railways personnel safety; or
- (3) railway network operational reliability as may be notified to the licensee from time to time by RailCorp; and

(ii) the licensee complies with the requirements of Condition E1; and



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(iii) noise and vibration mitigation measures are implemented as detailed in the *Interim Construction Noise Guidelines* (DECC 2009).

b) High noise impact works and activities (excluding rail adjustment, tamping and regulating) may be undertaken during any local possession permissible by Condition L3.4(a) as follows:

(i) between the hours of 6:00am to 10:00pm on any day subject to the works and activities being undertaken in continuous blocks not exceeding 3 hours each with a minimum respite from those works and activities of not less than one hour between each block.

For the purposes of this condition 'continuous' includes any period during which there is less than a 1 hour respite between ceasing and recommencing any of the works or activities the subject of this condition.

c) Rail adjustment, tamping and regulating may be undertaken at any time during a local possession permissible by Condition L3.4 (a).

## **L3.5 Works Approved Outside of Standard Construction Hours – Weekends**

(a) Activities and works may be undertaken during the hours outlined in Condition L3.5(b) but only if one or more of the following applies:

(i) carrying on those works and activities during the hours specified in Condition L3.1 would cause unacceptable risks to one or more of the following:

(1) construction personnel safety;

(2) road user and public safety;

(3) road network operational performance as may be notified from time to time by the Roads and Maritime Services;

(4) essential utility services;

(ii) the Roads and Maritime Services' Traffic Management Centre (or other road authority) refuse to issue a road occupancy licence for the works or activities during the hours specified in Condition L3.1

(b) For the situations outlined in Condition L3.5(a), activities and works may be undertaken (except on public holidays) during the hours of:

(i) 1.00 pm and 6.00pm on Saturdays; and

(ii) 8.00 am and 6.00 pm on Sundays

(c) In undertaking any works or activities under Condition L3.5 (b) the licensee must:

(i) comply with the requirements of Condition E1; and

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(ii) implement noise and vibration mitigation detailed in the *Interim Construction Noise Guidelines* (DECC 2009).

(d) High noise impact works and activities must only be undertaken:

(i) between the hours of 8:00am to 6:00pm; and

(ii) in continuous blocks not exceeding 3 hours each with a minimum respite from those activities and works of not less than 1 hour between each block.

For the purposes of this condition 'continuous' includes any period during which there is less than a 1 hour respite between ceasing and recommencing any of the work that is the subject of this condition.

## **L3.6 Works Approved Outside of Standard Construction Hours - Weekday evenings and nights**

(a) Activities and works may be undertaken during the hours outlined in L3.6(b) but only if one or more of the following applies:

(i) carrying on those works and activities during the hours specified in Condition L3.1 would cause unacceptable risks to one or more of the following:

(1) construction personnel safety;

(2) road user and public safety;

(3) road network operational performance as may be notified from time to time by the Roads and Maritime Services

(4) essential utility services

(ii) the Roads and Maritime Services' Traffic Management Centre (or other road authority) refuse to issue a road occupancy licence for the works or activities during the hours specified in Condition L3.1.

(b) For the situations outlined in L3.6(a) works and activities may be undertaken (except on public holidays) between the hours of:

(i) 6:00 pm and 7:00 am the following day on Mondays, Tuesdays, Wednesdays, and Thursdays; and

(ii) 6:00 pm and 8:00 am the following day on Fridays.

(c) In undertaking any activities and works under Condition L3.6(b) the licensee must:

(i) comply with the requirements of Condition E1;

(ii) implement noise and vibration mitigation measures as detailed in the *Interim Construction*

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*Noise Guidelines* (DECC 2009);

(iii) unless otherwise agreed to by relevant community stakeholders, ensure out of hours works and activities are not undertaken within the same local noise catchment on more than:

(a) 3 consecutive evenings or nights per week; and

(b) 4 evenings or nights per week; and

(c) 10 evenings or nights per month.

(iv) ensure high noise impact works and activities are not undertaken on more than 2 evenings or nights per week within the same local noise catchment.

## 3 Operating Conditions

### O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

### O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

### O3 Dust

O3.1 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

### O4 Processes and management

O4.1 Community Meetings

- a) The licensee must provide a Community Information Display space within the main Project Office that will be available to the community during business hours. The display space must provide images and relevant information on the project and be staffed by a Community Liaison Team member to provide answers to any community concerns/enquiries.

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b) The community information display must include details of upcoming construction activities (including out of hours activities), nature and timing of such activities, relevant contact details and proposed specific mitigation measures. The information must include at a minimum, details of up and coming activities that are to occur over the next month.

c) Community meetings or open forums must be held on an issue-specific basis for key construction activities.

*Note: It is acknowledged that the full details of future construction works and activities may not be known at the time of a community meeting or forum. In accordance with Condition E1.3, detailed and targeted notification of the community must be undertaken before any out of hours construction works commence.*

d) The licensee must keep minutes of any community meeting held in accordance with this condition and must submit a copy of the relevant minutes to the EPA when requested by an EPA officer.

O4.2 The licensee must ensure that any polymer based flocculents used to treat water before discharge from the premises has an LC50 greater than 100 milligrams per litre for water fleas and fish. For the purpose of this condition "LC50" means the concentration of material that is estimated to be lethal to fifty percent of the test organisms, after an exposure period of 24 hours for water fleas and 96 hours for fish.

## O5 Waste management

O5.1 The licensee must assess, classify and manage any waste generated at the premises in accordance with the *Waste Classification Guidelines Part 1 : Classifying Waste, April 2008 (Waste Guidelines)* prior to dispatching the waste offsite.

O5.2 The licensee must not cause, permit or allow any waste generated:

(a) outside the premises to be received at the premises, except for recycled materials from Railcorp's rail corridor (EPL12208) or Railcorp's recycling facility (EPL7515) or materials that meet the EPA's Resource Recovery Exemptions for engineered fill purposes.

(b) at the premises to be disposed of at the premises, except as permitted in Condition O5.3.

O5.3 Excavated material suitable for re-use within the premises, may be transported from one part of the premises or the Railcorp rail corridor or Railcorp recycling facility to another part by road in accordance with Condition O5.5.

O5.4 The licensee must ensure that:

(a) the body of any vehicle or trailer, used to transport waste or excavation spoil from the premises, is covered before leaving the premises to minimise any spill or escape of any dust, waste, or spoil from the vehicle or trailer; and

(b) mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the premises, is removed to the greatest extent practicable before the vehicle, trailer or motorised plant leaves the premises; and

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(c) road surfaces subject to the tracking of material by vehicles leaving the premises are effectively cleaned at the end of each work day.

## **O6 Other operating conditions**

### **O6.1 Erosion and Sediment Control**

The licensee must, before undertaking any construction work (including any earthmoving or vegetation removal works), implement all soil and water management works required to minimise pollution of waters.

### **O6.2 The licensee must:**

- a) check the operation of soil and water management works at least daily during operational hours and more often, as required, during wet weather; and
- b) initiate all necessary repair and maintenance as required to minimise pollution of waters.

## **4 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 Weather monitoring**

M2.1 The licensee must monitor hourly temperature, humidity, wind velocity and rainfall at the nearest Australian Bureau of Meteorology weather station or the site compound weather station.

### **M3 Recording of pollution complaints**

M3.1 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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M3.2 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.

M3.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M3.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## **M4 Telephone complaints line**

M4.1 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.

M4.2 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.

M4.3 The preceding two conditions do not apply until after

- a) the date of the issue of this licence or
- b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

## **M4.4 Notification of Community Complaints Line**

The licensee must ensure that the community notification required by condition M4.2 is undertaken :

- a) on not less than two occasions at least seven days apart;
- b) not less than 7 days and not more than 30 days before initial construction work commences at the premises;
- c) by general advertisements and public notices in newspapers, including community language newspapers, that are regularly circulated within the communities likely to be affected by noise or other construction impacts; and
- d) by including on the home page of the project web site information on:
  - (i) how the public can make a complaint on the telephone complaints line; and
  - (ii) how complaints will be processed.

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## M4.5 Noise and Vibration Complaints

a) The licensee must investigate noise and vibration complaints from the occupants of dwellings or the management of noise sensitive receivers other than dwellings:

(i) within two hours of the complaint being made; or

(ii) in accordance with any prior complaint management agreement the licensee may have made with the complainant.

b) The licensee must ensure that any investigation referred to in this condition that identifies works or activities being undertaken on the licensed premises as the likely source of the complaint, includes an offer to the complainant to undertake attended noise or vibration monitoring at their premises.

c) If the occupant of the dwelling or the management of a noise sensitive receiver other than a dwelling accepts the offer of attended noise or vibration monitoring the licensee must undertake that attended monitoring:

(i) as soon as practicable; or

(ii) at a time agreed with the complainant.

## M4.6 Notifying Results of Complaint Investigation

The licensee must, in respect of each complaint made to the telephone complaints line required by condition M4.1, advise each complainant of the results of its investigation of their complaint and any proposed remedial action.

## M4.7 Authorised Licensee Representatives

a) The licensee must ensure that two duly authorised representatives of the licensee are available for contact by the EPA at all times.

b) The licensee must provide the EPA with up to date details of natural persons authorised to represent the licensee in respect of:

(i) answering general enquiries made by the EPA or its authorised officers;

(ii) speaking on behalf of the licensee;

(iii) signing on behalf of the licensee; and

(iv) acting as the licensee's 'out of hours' contact with authority to direct the licensee's employees, agents and contractors to undertake such action as may be necessary to ensure that construction work complies with this licence.

c) The details required by condition M4.7 b) must include:

(i) the full name of each authorised representative and the scope of their authority to represent the licensee;

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(ii) that status and title of each authorised representative within the licensee Organisation; and

(iii) the direct landline telephone number, mobile telephone number, pager number, fax number, email address and postal address of each authorised representative.

## M5 Other monitoring and recording conditions

- M5.1 The licensee must monitor noise and vibration from construction work and especially during work undertaken out of hours.
- M5.2 All noise monitoring must be undertaken in accordance with *Australian Standard AS 2659.1 – 1998: Guide to the use of sound measuring equipment – Portable sound level meters*, or any revisions of that standard which may be made by Standards Australia, and the compliance monitoring guidance provided in the *NSW Industrial Noise Policy*.
- M5.3 All vibration monitoring must be undertaken in accordance with the guidance provided in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* published by the Department of Environment and Conservation, February 2006. All vibration monitoring results must be assessed and reported against the acceptable values of human exposure to vibration set out in Tables 2.2 and 2.4 in this guideline.
- M5.4 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA.

## 5 Reporting Conditions

### R1 Annual return documents

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
- a) a Statement of Compliance; and
  - b) a Monitoring and Complaints Summary.
- At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

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

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

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

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



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- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.
- R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
  - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.
- R1.8 A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.

## **R2 Notification of environmental harm**

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

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

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

## **R3 Written report**

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- a) where this licence applies to premises, an event has occurred at the premises; or
  - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

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- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;
  - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
  - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - g) any other relevant matters.
- R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## R4 Other reporting conditions

### R4.1 Daily Reports

- a) The licensee must submit, by 2:00 pm each business day, a report to the EPA that provides details of all complaints received in relation to construction activities regulated by the licence on the telephone complaints line required by Condition M4.1.
- b) The report must:
  - (i) be submitted to the email address nominated from time to time by the EPA;
  - (ii) include a unique identifier number for each complaint together with the details required by condition M3.2;
  - (iii) include the date and time, as reported by the complainant, of the event the subject of the complaint;
  - (iv) include an outline of the work or activity the subject of the complaint;
  - (v) include the complaints received between 12.00 pm on that day and 12.00pm on the previous business day; and
  - (vi) if the works have been carried out under Conditions L3.4, L3.5 and L3.6, the report must include a copy of any assessments required by these conditions, unless previously provided to EPA, and details of how the requirements of these conditions have been met.
- c) The licensee is not required to submit a report for any reporting period during which no complaints have been received.

### R4.2 Noise and Vibration Reports

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- a) Upon request of an authorised officer of the EPA, 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 M4.5.
- b) The Preliminary Investigation Report must be submitted to the EPA by 4.30 pm of the afternoon of the next working day following any noise or vibration monitoring.
- c) The Preliminary Investigation Report must:
  - (i) include numerical and/or graphical representation of the noise and vibration monitoring results; and
  - (ii) highlight any detected exceedance of noise goals or limits specified in:
    - (1) this licence;
    - (2) relevant noise guidelines; and
    - (3) relevant noise modelling.
- d) In the event of any exceedance of the noise goals or limits referred to in Condition R4.2 c)(ii), the licensee must:
  - (i) modify work practices and methods and implement all practicable and reasonable measures to prevent a recurrence of the exceedance; and
  - (ii) submit a Follow-up Investigation Report to the EPA within 5 working days of any noise or vibration monitoring having been undertaken (unless otherwise approved by the EPA).
- e) the Follow-up Investigation Report must include:
  - (i) confirmation of whether noise monitoring has been undertaken in accordance with AS2659 and the compliance monitoring guidance provided in the INP;
  - (ii) confirmation of whether vibration monitoring has been undertaken in accordance with the guidance provided in the Assessing vibration: a technical guideline (DEC, 2006);
  - (iii) details of the prevailing meteorological conditions during the period when the noise or vibration 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.

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## R4.3 Dust and Weather Reports

- a) The licensee must, when requested by an authorised officer of the EPA, provide a report concerning dust control and management at the premises.
- b) The licensee must, for the period specified by the authorised officer, include the following in the report:
  - (i) the results of monitoring undertaken in accordance with condition M2.1;
  - (ii) details of any incident during which dust was emitted from the premises, including any photographs taken of the incident; and
  - (iii) details of the type and frequency of any dust control measures implemented at the premises.
- c) The report must be submitted to the email address nominated from time to time by the EPA by 4.30 pm on the second working day after receiving a request referred to in this condition.

## 6 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.

### G2 Other general conditions

#### G2.1 Environmental Induction

- a) The licensee must ensure that before any construction work is undertaken all personnel involved in undertaking that work receive environmental induction training.
- b) The induction training must:
  - (i) clearly identify the location of all noise sensitive receivers likely to be affected by noise or vibration generated during the course of work undertaken by those personnel; and
  - (ii) highlight the licence requirements to minimise noise and vibration impacts on noise sensitive receivers.

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## 7 Special Conditions

### E1 Requirements for works permissible under L3.4, L3.5 and L3.6

#### E1.1 Noise and Vibration Impact Assessment

a) A noise and vibration impact assessment is required for any works undertaken under Condition L3.4, L3.5 and L3.6.

b) The noise and vibration impact assessment must be prepared by an appropriately qualified person experienced in assessing the impacts of noise and vibration from civil engineering works.

c) The noise and vibration impact assessment must include:

(i) details of the nature and scope of each activity and work, including details of times, vehicles, plant and equipment to be used to undertake that activity or work;

(ii) detailed analysis to justify the scheduling and duration of each activity and work outside the hours specified in Condition L3.1, including taking into account:

(1) the predicted impact on noise sensitive receivers of any activities and works undertaken outside the hours specified in Condition L3.1; and

(2) the preference that high noise impact works be undertaken during the day;

(iii) detailed analysis to justify use of the selected construction and work methods, plant and equipment compared to alternatives taking into consideration noise and vibration impacts;

(iv) a table showing details of the noise and vibration mitigation measures for each activity and work, including respite periods, proposed to be adopted to minimise noise and vibration impacts on surrounding noise sensitive receivers in each locality;

(v) a table showing for each activity and work in each noise catchment

(1) the address of each of the most affected noise sensitive receivers;

(2) the background noise level for each of the noise sensitive receivers listed in the table,

(3) noise management levels as described in Section 4 of the Interim Construction Noise Guideline (DECC, 2009);

(4) the predicted LAeq (15 min) noise level, incorporating any 5 dB correction for particularly annoying activities as listed on page 16 of the Interim Construction Noise Guideline (DECC, 2009); and

(5) an assessment of sleep disturbance as set out in Section 4.3 of the Interim Construction Noise Guideline (DECC, 2009), where works are planned to extend over more than two consecutive nights

(vi) details of the specific noise mitigation measures to be adopted in respect of any activity or work predicted to generate noise levels at any noise sensitive receiver exceeding the noise affected

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LAeq(15minute) level of background plus 5 dB outside the standard hours set in Condition L3.1;

(vii) a diagram showing the location of noise and vibration monitoring locations in relation to each of the most affected noise sensitive receivers for each activity and work in each noise catchment;

d) The licensee must document the formal assessment required by this condition in a detailed report that includes all maps, calculations and analyses relied upon in making its determination of:

- (i) whether the proposed activity or work may be undertaken pursuant to Condition L3.4, L3.5 and L3.6;
- (ii) the scheduling of each proposed activity and work;
- (iii) the construction methods, plant and equipment used in each activity and work;
- (iv) the noise and vibration impact mitigation measures adopted for each activity and work; and
- (v) the location of each noise and vibration monitoring location.

E1.2 a) When the licensee undertakes works or activities or simultaneous combination of works or activities in accordance with Condition E1.1, the licensee must:

- (i) undertake attended noise and vibration monitoring at representative stages of the activity or work to confirm whether the noise and vibration predictions in its noise and vibration assessment were accurate; and
- (ii) review the work or activity or combination of simultaneous works or activities as soon as practicable following the events referred to in (1) and (2) below and where possible, modify the work or activity to prevent any recurrence of these events:

(1) noise monitoring referred to in (i) indicates that the activity, work or combination of simultaneous activities or works has caused or is causing noise or vibration levels higher than the predicted levels at any noise sensitive receiver; or

(2) the licensee, its contractors or its agents receive 2 or more complaints about the activity, work or combination of simultaneous activities or works on the telephone complaints line referred to in condition M4.1 or by any other means.

E1.3 Community notification of works outside standard construction hours

a) The licensee must notify the community likely to be affected by noise or vibration from works or activities proposed to be undertaken outside of the hours specified by Condition L3.1 and L3.2, of those works or activities.

b) The notification must:

(i) be made by targeted letterbox drop, by clearly posting on the licensee's project website and by email to noise sensitive receivers who have elected to be notified by email;

(ii) be made not less than 5 days and not more than 14 days before commencement of any out of

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hours works or activities;

(iii) include:

- (1) a diagram that clearly identifies the location of the proposed out of hours works in relation to nearby cross streets and local landmarks or geographical features;
- (2) details of the timing, nature, scope and duration of the proposed works and activities;
- (3) detail of why the proposed works and activities are being undertaken outside of standard construction hours;
- (4) details of the predicted noise and vibration impacts of the works on identified sensitive receivers;
- (5) details of all proposed mitigation measures, including respite periods and proposed scheduling;
- (6) details of the types of plant and equipment that will be used to undertake the work;
- (7) details of how complaints may be made and additional information obtained about the work;
- (8) contact details in community languages relevant to the locality; and
- (9) include notification of any upcoming project community meetings or forums.

## E1.4 Reporting to EPA

The licensee must submit a copy of any documentation to demonstrate compliance with Condition E1 to the EPA at least three weeks prior to any works being undertaken under Conditions L3.4, L3.5 and L3.6. This condition applies for three months following the first time that works are undertaken under Conditions L3.4, L3.5 and L3.6.

If documentation submitted to the EPA during the three month period is inadequate, the EPA may extend the period.

## E2 Special Dictionary

### E2.1

Term	Meaning
AS 2659	means Australian Standard AS 2659.1 – 1988 : Guide to the use of sound measuring equipment – Portable sound level meters

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Business day	excludes Saturdays, Sundays, public holidays and rostered days off (RDOs)
Operating hours	means hours during which any construction-related works or activities are being undertaken, including outside of standard construction hours
Construction work	includes all construction work and activities, and all construction-related work and activities, undertaken on the premises.
Day	the period from 0700 and 1800 h (Monday to Saturday) and 0800 to 1800 h (Sundays and Public Holidays) as per the definition in the New South Wales Government's Industrial Noise Policy.
ENMAV	means the Environmental Noise Management technical guideline Assessing Vibration published by the Department of Environment and Conservation in February 2006.
Essential utility services	means telephone, electricity, gas and water services.
Evening	the period from 1800 to 2200 h as per the definition in the New South Wales Government's Industrial Noise Policy.
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.
INP	means the New South Wales Industrial Noise Policy published by the EPA in January 2000.
Impulsive noise	has the same meaning as in section 4.2 of the INP.
Interim Construction Noise Guidelines	Interim Construction Noise Guidelines (DECC, July 2009).
Intermittent noise	has the same meaning as in section 4.2 of the INP.
Local noise catchment	means an area in which all identified noise sensitive receivers are exposed to similar noise levels from the same source at the same time.
Local possession	means a formal authority issued by RailCorp to occupy a closed defined portion of track for a specified period.
Low-frequency noise	the same meaning as in section 4.2 of the INP.
Out of hours	means hours outside those prescribed by condition O3.1.
Night	the period from 2200 to 0700 h (Monday to Saturday) and 2200 to 0800 h (Sundays and Public Holidays) as per the definition in the New South Wales Government's Industrial Noise Policy.
Noise sensitive receiver	means any dwelling, boarding-house, child care centre, educational establishment, hospital, motel, nursing home, or place of public worship.
Practicable and reasonable	has the same meaning as 'reasonable and feasible' in the INP.
Soil and water management works	include all measures to control erosion and sediment such as sediment filters, drains, ponds, basins, stormwater run on and runoff controls, site stabilisation works, temporary water crossings and vehicular access controls.



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Tonal noise

the same meaning as in section 4.2 of the INP.

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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

Mr Mark Hanemann

Environment Protection Authority

(By Delegation)

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## End Notes