

Environment Protection Licence



Licence - 20044

Licence Details

| | |
|-------------------|-------------|
| Number: | 20044 |
| Anniversary Date: | 13-December |

Licensee

JOHN HOLLAND PTY LTD
 LEVEL 3, 65 PIRRAMA ROAD
 PYRMONT NSW 2009

Premises

DEVILS PULPIT PACIFIC HIGHWAY UPGRADE
 PACIFIC HIGHWAY
 TABBIMOBLE NSW 2472

Scheduled Activity

Extractive Activities
 Road Construction

Fee Based Activity

Scale

| | |
|--------------------------------|---|
| Land-based extractive activity | 0-30000 T extracted, processed or stored |
| Road construction | 0-10 km constructed, widened or re-routed |

Region

North - North Coast
 NSW Govt Offices, 49 Victoria Street
 GRAFTON NSW 2460
 Phone: (02) 6640 2500
 Fax: (02) 6642 7743
 PO Box 498 GRAFTON
 NSW 2460

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Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act); 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:

| |
|---------------------------------|
| JOHN HOLLAND PTY LTD |
| LEVEL 3, 65 PIRRAMA ROAD |
| PYRMONT NSW 2009 |

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 |
|-----------------------|--------------------------------|---|
| Extractive Activities | Land-based extractive activity | 0 - 30000 T extracted, processed or stored |
| Road Construction | Road construction | 0 - 10 km constructed, widened or re-routed |

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

| Premises Details |
|---------------------------------------|
| DEVILS PULPIT PACIFIC HIGHWAY UPGRADE |
| PACIFIC HIGHWAY |
| TABBIMOBLE |
| NSW 2472 |
| |

A2.2 In relation to Condition A2.1, the premises is defined as the clearing limits detailed on the Project Drawings titled "Devils Pulpit Pacific Highway Upgrade Environmental Protection Licence (EPL) Boundaries". A copy of the current drawing (drawing number 111001040) sheets 1 to 9 are part of the Devils Pulpit Environmental Protection Licence application documents received on the 14 October 2011. The application, drawings and supporting documents are filed in Grafton EPA office file LIC11/636 and kept at 49 Victoria Street, Grafton NSW 2460.

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:

- 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
- the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

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2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

- P1.1 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.
- P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

Water and land

| EPA Identification no. | Type of Monitoring Point | Type of Discharge Point | Location Description |
|------------------------|--|--|--|
| 1 | Discharge water quality | Discharge water quality | The outlet from the sediment basins referred to in condition P1.3 of this licence. |
| 2 | Discharge to land irrigation area from sediment basins 12 (WBQ-05), 13 (WBQ-06) and 14 (WBQ-07). | Discharge to land irrigation area from sediment basins 12 (WBQ-05), 13 (WBQ-06) and 14 (WBQ-07). | Identified as proposed land irrigation area on the Devils Pulpit Pacific Highway Upgrade Environmental Protection Licence (EPL) Boundaries sheets 1 and 2. |
| 3 | Discharge water quality | Discharge water quality | Due to significant project corridor constraints, Culvert 3 is being managed as a 2 day sediment detention basin, replacing Sediment Basin 1. |

- P1.3 For the purpose of this licence the discharge points referred to at Condition P1.1 and P1.2 of this licence are those from sediment basins identified in Table 2: Design capacities and locations of basins - Construction Sediment Basin Report as revised and retained on EPA file number LIC11/636.
- P1.4 The licensee, in commissioning a new sediment basin, may only vary the discharge point locations identified in Condition P1.1 and P1.2 if it provides the EPA with a copy of the revised document/s identified at Condition P1.3 of this licence, at least 7 days prior to the commissioning on the premises.
- P1.5 The licensee, in decommissioning an existing sediment basin, may only vary the discharge point locations identified in Condition P1.1 and P1.2 if it provides the EPA with a copy of the revised document/s identified at Condition P1.3 of this licence, at least 21 days prior to the decommissioning on the premises.

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

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section 120 of the Protection of the Environment Operations Act 1997.

L2 Concentration limits

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

POINT 1

| Pollutant | Units of Measure | 50 Percentile concentration limit | 90 Percentile concentration limit | 3DGM concentration limit | 100 percentile concentration limit |
|------------------------|----------------------|-----------------------------------|-----------------------------------|--------------------------|------------------------------------|
| Oil and Grease | Visible | | | | Nil |
| pH | pH | | | | 6.5 - 8.5 |
| Total suspended solids | milligrams per litre | | | | 50 |

POINT 2

| Pollutant | Units of Measure | 50 Percentile concentration limit | 90 Percentile concentration limit | 3DGM concentration limit | 100 percentile concentration limit |
|----------------|------------------|-----------------------------------|-----------------------------------|--------------------------|------------------------------------|
| Oil and Grease | Visible | | | | Nil |
| pH | pH | | | | 6.5 - 8.5 |

POINT 3

| Pollutant | Units of Measure | 50 Percentile concentration limit | 90 Percentile concentration limit | 3DGM concentration limit | 100 percentile concentration limit |
|----------------|------------------|-----------------------------------|-----------------------------------|--------------------------|------------------------------------|
| Oil and Grease | Visible | | | | Nil |

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| | | |
|------------------------|----------------------|-----------|
| pH | pH | 6.5 - 8.5 |
| Total suspended solids | milligrams per litre | 50 |

- L2.5 Exceeding the limits specified in Condition L2.4 of this licence for pH and total suspended solids (TSS) for discharges from the sediment basins identified by Conditions P1.1 and P1.2 is only permitted when the discharge occurs solely as a result of rainfall measured at the premises. The rainfall must exceed the 5 day rainfall depth value for the corresponding discharge point in the table below over a consecutive 5 day period for discharge to be considered to occur solely as a result of rainfall.

| Basin | Classification of Basin | Design 5 day rainfall event (mm) |
|--|-------------------------|----------------------------------|
| Table 2: Design capacities and locations of basins - Construction Sediment Basins Report | 85th | 47mm |
| Table 2: Design capacities and locations of basins -Construction Sediment Basins Report | 90th | 64mm |

- L2.6 Exceeding the limits specified in Condition L2.4 of this licence for pH and total suspended solids (TSS) for discharges from the sediment basin identified as Culvert 3 at Conditions P1.1 and P1.2 is only permitted when the discharge occurs solely as a result of rainfall at the premises. For Culvert 3 only, the rainfall must exceed the 2 day rainfall depth value for the corresponding discharge point in the table below over a consecutive 2 day period for discharge to be considered to occur solely as a result of rainfall.

| Basin | Classification of Basin | Design 2 day rainfall event (mm) |
|---|-------------------------|----------------------------------|
| Culvert 3 identified as discharge Point 3 on this licence | 85th | 29mm |

- L2.7 If the licensee uses turbidity (NTU) in place of TSS to determine compliance with Condition L2.4, the licensee must develop a statistical correlation which identifies the relationship between NTU and TSS for water quality in the sediment basin/s in order to determine the NTU equivalent of 50 mg/L TSS before its use.
- L2.8 The licensee must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.
- L2.9 The licensee must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.
- L2.10 The licensee must provide the EPA with any amendments the licensee makes to the statistical correlation as a result of the ongoing verification required by Condition L2.9 before using the revised statistical correlation.
- L2.11 If the licensee uses a Turbidity Meter in place of analytical analysis to determine total suspended solids

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(TSS) compliance with Condition 2.4, the licensee must develop a statistical correlation which identifies the relationship between the TSS results obtained from the Turbidity Meter and TSS results obtained from a NATA accredited laboratory prior to using the Turbidity Meter.

- L2.12 The licensee must provide the EPA with a copy of the TSS statistical correlation assessment methodology and results before using the Turbidity Meter in place of NATA accredited laboratory analysis.
- L2.13 The licensee must develop and implement a method to enable ongoing verification of the correlation between the TSS results obtained from the Turbidity Meter and TSS results obtained from a NATA accredited laboratory.
- L2.14 The licensee must provide the EPA with any amendments the licensee makes to the Turbidity Meter statistical correlation as a result of the ongoing verification required by Condition 2.13 before using the revised statistical correlation.

L3 Blasting

- L3.1 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L3.2 The overpressure level from blasting operations at the premises must not exceed 115dB (LinPeak) for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L3.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L3.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L3.5 To determine compliance with condition(s) L3.1 and L3.3
 - a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the most affected residence or noise sensitive location that is not owned by the licensee or subject to a private agreement between the owner of the premises or noise sensitive location and the licensee for all blasts carried out in or on the premises; and
 - b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

L4 Hours of operation

- L4.1 Standard construction hours

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

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

L4.2 Exemptions to standard construction hours

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

- a) the delivery of oversized plant or structures that police or other authorised authorities determine require special arrangements to transport along public roads;
- b) emergency work to avoid the loss of lives or property, or to prevent environmental harm;
- c) works that are not more than 5 dB(A) over the rating background level at the nearest noise sensitive receiver as assessed by acoustic investigation.

The licensee must notify the EPA via a quarterly forecast prior to the undertaking of any works referred to in Condition L4.2 as well as providing the EPA with a copy of the results of any acoustic investigation made in relation to Condition L4.2 c) to be reported as per condition R4.1.

L4.3 Works agreed outside of standard construction hours

The licensee may undertake works outside of standard construction hours if agreement between the licensee and representatives of potentially affected noise sensitive receivers has been reached. Any agreement(s) between the licensee and the potentially affected noise sensitive receivers must be recorded in writing and a copy of the agreement(s) kept on the premises by the licensee for the duration of this licence.

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

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

L4.5 Blasting hours

Blasting operations at the premises may only take place between 9:00am and 5:00pm Monday to Friday and 9:00am and 1:00pm Saturday. (Where compelling safety reasons exist, the EPA may permit a blast to occur outside the above hours. A prior written request for approval of any such blast must be made to the EPA).

L4.6 Work generating high noise impact

Any work generating high noise impact, excluding blasting operations covered in Condition O3.5, must only be undertaken:

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- a) between the hours of 8:00am and 6:00pm Monday to Friday;
- b) between the hours of 8:00am and 1:00pm Saturday; and
- c) in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers; except as expressly permitted by another condition of this licence.

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

4 Operating Conditions

O1 Activities must be carried out in a competent manner

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

This includes:

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

O2 Maintenance of plant and equipment

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

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

O3 Dust

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

O4 Processes and management

O4.1 All works must be carried out in accordance with the "Interim Construction Noise Guideline", DECC July 2009 to minimise the emission of noise and vibration from the premises.

O4.2 The licensee must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.

O4.3 The licensee must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

O4.4 The drainage from all areas that will mobilise suspended solids when stormwater runs over these areas must be controlled and diverted through appropriate erosion and sediment control measures.

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- O4.5 The licensee must minimise the area of the site that is able to generate suspended material when water runs over it.
- O4.6 Unless otherwise approved in writing by the EPA, where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.
- Note: This condition does not apply to those works associated with the actual installation of sediment basins or associated drainage.
- O4.7 The sediment basins and other erosion and sediment controls must be planned, designed (stability, location, type and size), constructed, operated and maintained in accordance with the guideline "Managing Urban Stormwater – Soils and Construction, Volume 2D, Main road construction" DECC 2008, to be read and used in conjunction with volume 1 "Managing urban stormwater: soils and construction" Landcom 2006.
- O4.8 With the singular exception of the sediment basin identified as "Culvert 3", the licensee must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.
- For Culvert 3 the licensee must ensure the design storage capacity of the basin installed on the premises is reinstated within 2 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.
- O4.9 The licensee must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:
- the clear identification of each sediment basin and discharge point;
 - the collection of representative samples of the water discharged from the sediment basin(s); and
 - access to the sampling point(s) at all times by an authorised officer of the EPA.
- O4.10 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.

5 Monitoring and Recording Conditions

M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
- in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;

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- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

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

M2.2 Water and/ or Land Monitoring Requirements

POINT 1

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

POINT 3

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

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

M3 Testing methods - concentration limits

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

M4 Weather monitoring

M4.1 Rainfall at the premises must be measured and recorded in millimetres per 24 hour period at the same time each day from the time that the site office associated with the activities permitted by this licence is established.

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M4.2 The rainfall monitoring data collected in compliance with Condition M4.1 can be used to determine compliance with Conditions L2.5 and L2.6.

M5 Recording of pollution complaints

M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M5.2 The record must include details of the following:

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

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 The preceding two conditions do not apply until 3 months after

- 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.

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

M6.4 Prior to the commencement of the licensed activity, the licensee must ensure the project's website provides ready access to clear and concise information about:

- a) how to make a complaint on the telephone complaints line referred to in Condition M6.1; and
- b) how complaints on the telephone complaints line will be processed.

M6.5 In response to any noise or vibration complaint made by any person/s or bodies other than the EPA, the licensee must:

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- a) investigate the complaint within 2 hours of the complaint being received or within the timeframe agreed with the complainant;
- b) offer to attend the complainant's premises to undertake noise or vibration monitoring at the complainant's premises as soon as is practical, or at a time agreed with the complainant; and
- c) advise the complainant of the results of the investigation and any proposed remedial action.

M6.6 In response to any complaint referred by the EPA to the licensee, the licensee must respond to the referred complaint in a manner and timeframe specified by the EPA.

M7 Other monitoring and recording conditions

M7.1 Noise monitoring must be carried out in accordance with Australian Standard AS 2659.1 – 1998: Guide to the use of sound measuring equipment – Portable sound level meters, and the compliance monitoring guidance provided in the NSW Industrial Noise Policy.

M7.2 Vibration monitoring must be carried out in accordance with the guidance provided in the Environmental Noise Management Assessing Vibration: A Technical Guideline, published by the Department of Environment and Conservation, February 2006.

M7.3 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA.

M7.4 All erosion and sediment control measures installed on the premises must be inspected and works undertaken to repair and/or maintain these controls:

- a) Weekly during normal construction hours outlined in Condition L4.1;
- b) daily during periods of rainfall; and
- c) within 24 hours of the cessation of a rainfall event causing runoff to occur on or from the premises.

The licensee must record all such inspections including observations and works undertaken to repair and/or maintain erosion and sediment controls.

6 Reporting Conditions

R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
a) a Statement of Compliance; and
b) a Monitoring and Complaints Summary.

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

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

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

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

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

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

- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.
- R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
 - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.
- R1.8 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.
- R1.9 The licensee must provide the EPA with a monthly report containing the following information:
- a) details of all non-compliances with the conditions of this licence and measures taken, or proposed, to prevent a recurrence of such a non-compliance; and
 - b) details of all discharges from the sediment basins where the water quality results exceed the limits prescribed by Condition L2.4 including the results of rainfall measurements to demonstrate compliance with Condition L2.5;
 - c) details of the results of any acoustic investigation made in relation to condition L4.2 c) ; and
- The report referred to in this condition must be received by the EPA within 10 working days of the end of each month.

R2 Notification of environmental harm

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

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

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

R3 Written report

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

7 General Conditions

G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

Note: Condition G1.1 above only applies from the time that the site office associated with the activities permitted

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by this licence is established.

G2 Contact number for incidents and responsible employees

G2.1 The licensee must provide the EPA with up to date contact details to enable the EPA:

- a) to contact either the licensee or a representative of the licensee who can respond at all times to incidents relating to the premises, and
- b) to contact the licensee's senior employees or agents authorised at all times to:
 - i) speak on behalf of the licensee, and
 - ii) provide any information or document required under licence.

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

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

8 Special Conditions

E1 Special Area Conditions

- E1.1 The special area is indentified as the land forming the catchment of Tabbimobile Floodway number 2 and Tabbimobile Floodway number 3. The catchment area may change during the project as bulk earthworks progress.
- E1.2 The licensee must implement a water management hierarchy which maximises reuse of basin water for dust suppression and other onsite purposes, and then allows for irrigation of any remainder/excess water to land in a manner that does not impact the waters in the special area.
- E1.3 There must be no release to waters from sediment basins located in the indentified "special area" which includes the catchments of Tabbimobile 2 and Tabbimobile 3 floodways except when the design 5 day 90th percentile rainfall event (64mm) is exceeded.
- E1.4 Water released to land through the approved irrigation system must be manged so that:
 - 1) Water is not irrigated within 50m of Tabbimobile Floodway number 2 or Tabbimobile Floodway number 3;
 - 2) Water is irrigated in a manner which maximises evaporation and infiltration and does not result in water flowing from the irrigation area into any waters.
- E1.5 The approved irrigation areas for sediment basins 12, 13 and 14 which are identified in Table 2 of the John Holland Construction Sediment Basin Report dated 12 August 2011 are shown on sheets number 1 and 2 of the John Holland Pacific Highway Upgrade Devils Pulpit Environmental Protection Licence (EPL) Boundaries plans dated 15 October 2012, which is kept on file LIC11/636 at the EPA's Grafton office, 49 Victoria Street Grafton NSW 2460.
- E1.6 Develop appropriate procedures for the operation and mangement of the land utilisation area for the

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irrigation of water from basins 12 (WBQ-05), 13 (WBQ-06) and 14 (WBQ-07), and have these approved by the EPA prior to commencing irrigation.

- E1.7 Any mulch used on the site must be used and managed in accordance with the Tannin Leachate Management Procedure located in Appendix F of the John Holland Soil and Water Management Plan dated 26 September 2011 or a more recent version approved by the EPA.
- E1.8 Any Acid Sulphate Soils or Actual Acid Sulphate Soils will be managed in accordance with the Acid Sulphate Soil Management Procedure located in Appendix G of the John Holland Soil and Water Management Plan dated 26 September 2011 or a more recent version approved by the EPA.

E2 Special Dictionary - Definitions Specific to this licence

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

| TERM | MEANING |
|------------------------------------|---|
| Noise Sensitive locations | Means buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30m of the building. |
| NSW Industrial Noise Policy | Means the document titled "NSW Industrial Noise Policy" published by the Environment Protection Authority in January 2000. |
| Works generating high noise impact | Means an LAeq(15min) noise measurement of 75 dB(A) as described in the document titled "Interim Construction Noise Guideline" published by the Department of Environment and Climate Change in July 2009. |

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Dictionary

General Dictionary

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

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

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

Mr Brett Nudd

Environment Protection Authority

(By Delegation)

Date of this edition: 13-December-2011

End Notes

- 2 Licence varied by notice 1509956 issued on 23-Nov-2012
- 3 Licence varied by notice 1512407 issued on 21-Mar-2013