

Environment Protection Licence



Licence - 13316

Licence Details

Number:	13316
Anniversary Date:	01-November

Licensee

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

Premises

LIVERPOOL TURNBACK PROJECT
 BIGGE STREET
 LIVERPOOL NSW 2170

Scheduled Activity

Railway Systems Activities

Fee Based Activity

Scale

Railway systems activities	Any annual capacity
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Region

Metropolitan Infrastructure
 Level 7, 79 George Street
 PARRAMATTA NSW 2150
 Phone: (02) 9995 6804
 Fax: (02) 9995 6902
 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:

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
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
LIVERPOOL TURNBACK PROJECT
BIGGE STREET
LIVERPOOL
NSW 2170
SEE CONDITION A2.2 FOR A FULL DESCRIPTION OF THE LICENSED PREMISES

A2.2 The premises is defined on the following plans:

The area enclosed by solid blue lines on map numbers:

LTB-DWG-EPL-S01, revision 12
 LTB-DWG-EPL-S02, revision 12
 LTB-DWG-EPL-S03, revision 12
 LTB-DWG-EPL-S04, revision 12
 LTB-DWG-EPL-S05, revision 12
 LTB-DWG-EPL-S06, revision 12
 LTB-DWG-EPL-S07, revision 12
 LTB-DWG-EPL-01, revision 12
 LTB-DWG-EPL-02, revision 12
 LTB-DWG-EPL-03, revision 12
 LTB-DWG-EPL-04, revision 12
 LTB-DWG-EPL-05, revision 12
 LTB-DWG-EPL-06, revision 12
 LTB-DWG-EPL-07, revision 12

dated 29 April 2013

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A3 Other activities

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

Ancillary Activity

Extractive activities - An estimated 6000m³ of material to be excavated

A4 Information supplied to the EPA

A4.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

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

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

A4.2 Information supplied to the EPA in the nature of an Environmental Management System or Environmental Management Plan does not form part of the licence application or any application to vary the 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 Hours of operation

L2.1 Construction work must:

- (a) only be undertaken on Monday to Friday between the hours of 7.00 am and 6.00pm;
- (b) only be undertaken on Saturday between the hours of 8.00 am and 1.00pm; and
- (c) not be undertaken on any Sunday or public holiday, except as expressly permitted by other conditions of this licence.

L2.2 The following construction work may be undertaken outside of the hours specified by Condition L2.1:

- (a) construction work that causes LAeq(15minute) noise levels that are:
 - (i) no more than 5dB above rating background level at any residence in accordance with the Interim

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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) emergency construction activities or work needed to be undertaken urgently 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 Department of Environment, Climate Change and Water'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 detailed report to the EPA's Head Metropolitan Infrastructure Level 7, 79 George Street, Parramatta about;

1. the circumstances leading to the emergency,
2. the nature and scope of any construction work undertaken to alleviate the emergency, and
3. the practicable measures adopted by the licensee to prevent any similar incident.

(c) The licensee may deliver plant, equipment and materials out of hours when the Police or the Roads and Traffic Authority requires that plant, equipment or materials to be delivered out of hours for safety reasons.

(d) Rail maintenance works including tamping and regulating to remediate vertical or horizontal movement >4mm in track geometry that has occurred as a direct result of works being undertaken for the project.

L2.3 High noise impact activities and works occurring on the premises 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 Conditions L2.4 to L2.7 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.

L2.4 Additional hours - Local Possessions

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

(1) carrying on those works and activities during the hours specified in Condition L2.1 would cause unacceptable risks to;

(i) construction personnel safety;

(ii) rail passenger and railways personnel safety; or

(iii) railway network operational reliability as may be notified to the licensee from time to time by RailCorp;
and

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(2) the licensee complies with the requirements of Condition E1.

(b) high noise impact works and activities (excluding rail adjustment, tamping and regulating) may be undertaken during any local possession permissible by Condition L2.4(a) as follows:

(1) between the hours of 8:00am to 6:00pm on any day subject to:

(i) 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.

(2) between the hours of 6:00am and 8:00am and 6:00pm and 10:00pm on any day where necessary for the safe recommissioning of rail operations during a local possession.

(c) Rail adjustment, tamping and regulating may be undertaken at any time during a local possession permissible by Condition L2.4(a).

L2.5 Additional Hours - Weekends (independent of possessions)

(a) activities and works may be undertaken during the approved hours in Conditions L2.1, L2.2 and L2.3, except on public holidays, and also between the hours of:

- (i) 1.00 pm and 6.00pm on Saturdays; and
- (ii) 8.00 am and 6.00 pm on Sundays

But only if:

(1) carrying on those works and activities during the hours specified in Condition L2.1 would cause unacceptable risks to:

- (i) construction personnel safety;
- (ii) road user and public safety;
- (iii) road network operational performance as may be notified from time to time by the Roads and Traffic Authority; or
- (iv) essential utility services; or

(2) the Roads and Traffic Authority's Traffic Management Centre (or other road authority) refuse to issue a road occupancy licence for those activities or works during any weekday; and

(3) the licensee complies with the requirements of Condition E1.

L2.6 Additional hours - Weekday evenings and nights (independent of possessions)

(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;

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- (ii) 6:00 pm and 8:00 am the following day on Fridays; and
- (iii) 6:00pm Sunday and 7:00am Monday for the purpose of traffic management works.

But only if-

(1) carrying on those works and activities during the hours specified in Condition L2.1 would cause unacceptable risks to:

- (i) construction personnel safety;
- (ii) road user and public safety;
- (iii) road network operational performance as may be notified from time to time by the Roads and Traffic Authority; or
- (iv) essential utility services; or

(2) the Roads and Traffic Authority's Traffic Management Centre (or other road authority) refuse to issue a road occupancy licence for those activities or works during the day; and

(3) the licensee complies with the requirements of Condition E1;

(4) the works and activities are not being undertaken on more nights during any single week, within the same noise catchment of any noise sensitive receiver, than the maximum number of nights of work during any single week for the noise limit shown in Table L2.6.

In determining the maximum number of nights of work during any single week, the licensee must:

- (i) apply the calculated predicted noise level to Table L2.6 to determine which noise limit and thus, the maximum number of nights of work per week permitted by this condition;
 - (ii) explicitly state in the assessment report whether there are any particularly annoying activities as listed on page 16 of the Interim Construction Noise Guideline (DECC, 2009) and what corrections were applied to the predicted levels where particularly annoying activities were identified;
- (5) the works and activities are not being undertaken within the same noise catchment of any noise sensitive receiver sooner than two nights directly following any night works undertaken during a local possession; and
- (6) The licensee implements the mitigation measures outlined in the assessments undertaken in accordance with this condition.

Table L2.6 - Maximum nights of work during any single week within the same noise catchment

Noise Limit Expressed as LAeq(15 minute)	Maximum nights of work	Maximum nights of consecutive work
Rating Background Level plus up to 20 dBA	3	2
Rating Background Level plus up to 30 dBA	2	2

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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 The licensee must minimise the emission of dust at the premises and prevent its emission from the premises, to the greatest extent practicable.

O4 Processes and management

O4.1 The licensee must convene and hold community meetings or provide community booths to inform affected communities of any construction work proposed to be undertaken outside of the hours specified by Condition L2.1 and L2.2.

(1) The licensee must notify noise sensitive receivers, likely to be affected by noise or vibration from construction work referred to above, of the community meeting or community booths and must:

(i) make that notification by letterbox drop, by posting as a 'latest news' item on the licensee's project web site home page, and by email to those occupants of noise sensitive receivers whom have elected to be notified by email;

(ii) make the notification referred to in paragraph (i) not less than 5 days and not more than 14 days before the community meeting or installation of the community booth; and

(iii) include details of the date, starting time and venue of the meeting or booth.

(2) The licensee must hold general community meetings or provide community booths for key construction milestones.

(i) key construction milestones must include the completion of civil works and project commissioning.

(3) The licensee must include details of any upcoming out of hours construction work within the

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community meetings or booths, including:

- (i) a diagram that clearly identifies the location of the proposed work in relation to nearby cross streets and local landmarks or geographical features;
- (ii) a clear outline, in plain English free of industry jargon, of the location, nature, scope and duration of the proposed work;
- (iii) details of respite periods and proposed scheduling in respect of work likely to generate high noise and vibration impacts at noise sensitive receivers;
- (iv) outline the types of plant and equipment that will be used to undertake the work; and
- (v) clearly state how complaints may be made and additional information obtained about the work.

Note: It is acknowledged that the full details of the construction activity may not be known at the time of community meetings. In accordance with Condition E1.3, detailed and targeted notification of the community will also be undertaken not less than five and not more than fourteen days before any out of hours construction works commence.

(4) The licensee must keep minutes of each community meeting required by this condition and must submit a copy of the relevant minutes to the EPA with any application to vary this licence for the purpose of undertaking work referred to in Conditions L2.4 to L2.7. The minutes must be accompanied by a copy of any relevant presentation materials made to a community meeting required by this condition.

(5) The licensee must undertake targeted consultation in such manner and on such occasions, as may be directed from time to time by an authorised officer of the EPA. The targeted consultation required by this condition must be undertaken in addition to community consultation, meetings and notifications required elsewhere in this licence.

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 ensure that concrete rinse water is collected and managed onsite in accordance with *Environmental Best Management Practice Guideline for Concreting Contractors* (Department of Environment and Conservation, 2004) or disposed of to a facility licensed to receive and treat concrete rinse water.

O6 Other operating conditions

O6.1 Noise and Vibration Control

All construction work must be undertaken in a manner that will minimise the emission of noise and vibration from the premises.

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- O6.2 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 (DECCW, 2009).
- O6.3 The licensee must, as soon as practicable, install walls, barriers and other physical measures required to minimise noise impacts from the operation of rolling stock on sections of track within the area coinciding with the licence premises.
- O6.4 **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 prevent pollution of waters.
- O6.5 The licensee must check the operation of all project-related sediment and erosion controls at least once a day during operational hours.
- O6.6 The licensee must undertake repair and maintenance of project-related sediment and erosion controls on any day, where necessary to prevent pollution of waters.
- O6.7 **Polymer-Based Flocculants**
The licensee must ensure that any polymer-based flocculant used to treat water before discharge from the premises has an LC50 greater than 100 milligrams per litre for water flea and fish.

For the purposes 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 flea and 96 hours for fish.

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:
- in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

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M2 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.

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 :

- 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

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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;

(d) by including on the home page of the licensee's project web site a specific menu tab for making complaints and which tab provides ready access to succinct information about-

- (i) how members of the public can make a complaint on the telephone complaints line, and
- (ii) how complaints made by members of the public will be processed.

M4.5 Noise and vibration complaints

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.

The licensee must ensure that any investigation referred to in this condition includes an express offer to the complainant to undertake attended noise or vibration monitoring at their premises. 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

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

(1) The licensee must provide the EPA with up to date details of natural persons authorised to represent the licensee in respect of –

- (a) answering general enquiries made by the EPA or its authorised officers,
- (b) speaking on behalf of the licensee,
- (c) signing on behalf of the licensee, and

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(d) 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.

(2) The details required by condition M4.7 (1) must include –

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

(b) that status and title of each authorised representative within the licensee organisation, and

(c) 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.

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.

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.

M5.2 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.

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

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

- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

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

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

- R1.7 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
 - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R1.8 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

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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.

R4 Other reporting conditions

R4.1 The licensee must submit, by 2.00 pm each 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.

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 day; and
- (vi) if the works have been carried out under Conditions L2.4, L2.5, L2.6 or L2.7 the report must include a copy of any assessments required by these conditions, unless previously provided to the EPA, and details of how the requirements of these conditions have been met.

The licensee is not required to submit a report for any reporting period during which no complaints have been received.

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R4.2 Upon request of an authorised officer of the EPA, the licensee must submit the following reports to the EPA in respect of any noise or vibration monitoring undertaken in accordance with the requirements of Condition M4.5 or a direction made pursuant to Condition M5.2:

(1) by 2.00 pm of the afternoon of the next working day following any noise or vibration monitoring – a Preliminary Investigation Report that -

(a) includes numerical and/or graphical representation of the noise and vibration monitoring results, and

(b) highlights any detected exceedance of noise goals or limits specified in this Licence or predicted noise levels, in respect of the construction work the subject of the monitoring.

In the event of any exceedance of the noise goals, noise limits or predicted noise levels, referred to in this condition, the licensee must modify work practices and methods and implement all practicable and reasonable measures to prevent a recurrence of the exceedance; and

(2) within 5 working days of any noise or vibration monitoring having been undertaken (unless otherwise approved by the EPA having regard to the circumstances of the case) - a Follow-up Investigation Report that includes-

(a) explicit confirmation of whether noise monitoring has been undertaken in accordance with AS2659 and the compliance monitoring guidance provided in the INP,

(b) explicit confirmation of whether vibration monitoring has been undertaken in accordance with the guidance provided in the Assessing vibration: a technical guideline (DEC, 2006),

(c) explicit confirmation of the prevailing meteorological conditions during the period when any noise monitoring was undertaken,

(d) a map of each noise and vibration monitoring location in relation to the noise source, including relevant distances,

(e) numerical and graphical representation of the noise and vibration monitoring results,

(f) an analysis of the noise and vibration monitoring results,

(g) details of any remedial action taken, and

(h) in cases not the subject of remedial action, explicit reasons for the decision not to take remedial action.

R4.3 The licensee must, when requested by an authorised officer of the EPA, provide a report concerning dust control and management at the premises. The licensee must, for the period specified by the authorised officer, include the following in the report:

(a) the results of monitoring undertaken in accordance with condition M2.1;

(b) details of any incident during which dust was emitted from the premises, including any photographs taken of the incident and its aftermath,

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(c) details of the type and frequency of any dust control measures implemented at the premises,

The report must be submitted to the EPA's Head Metropolitan Infrastructure, on 9995 6900, by 1.00pm 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 The licensee must ensure that before any construction work is undertaken all personnel involved in undertaking that work receive environmental induction training that:

(i) clearly identifies the location of all noise sensitive receivers likely to be affected by noise or vibration generated during the course of that work; and

(ii) highlights the licence requirements to minimise noise and vibration impacts on noise sensitive receivers throughout the local possession.

7 Special Conditions

E1 Requirements for works permissible under conditions L2.4 to L2.7

E1.1 Noise and vibration impact assessment

A noise and vibration impact assessment is required for any works undertaken under Conditions L2.4 to L2.7 and must be prepared by an appropriately qualified person experienced in assessing the impacts of noise and vibration from civil engineering works. The assessment must include:

(a) 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,

(b) detailed analysis to justify the scheduling and duration of each activity and work outside the hours specified in Condition L2.1, including taking into account:

(i) the predicted impact on noise sensitive receivers of any activities and works undertaken outside the

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hours specified in Condition L2.1; and

(ii) the preference that high noise impact works be undertaken during the day.

(c) 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.

(d) 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,

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

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

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

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

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

(v) 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,

(f) 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:

(i) the noise affected LAeq(15minute) level of background plus 5 dB outside the standard hours set in Condition L2.1

(g) 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,

(h) 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 Conditions L2.4 to L2.7,

(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 Noise and vibration monitoring

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

(a) 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;

(b) review the work or activity or combination of simultaneous works or activities as soon as practicable following the events referred to in (i) and (ii) below and where possible, modify the work or activity to prevent any recurrence of these events -

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- (i) noise monitoring referred to in (a) 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
- (ii) 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 of standard construction hours

- (a) The licensee must notify noise sensitive receivers, likely to be affected by noise or vibration from construction work permitted by Conditions L2.4 to L2.7 not less than 5 days and not more than 14 days before those works are to be undertaken.
- (b) The notification must be:
 - (i) by letterbox drop and/or email to noise sensitive receivers likely to be affected by the proposed works; and
 - (ii) detailed on the project website
- (c) The notification required by paragraph (a) and (b) of this condition must:
 - (i) outline, in plain English free of industry jargon, the location, nature, scope and duration of the proposed works;
 - (ii) include a diagram showing the location of the proposed works in relation to local roads and landmarks;
 - (iii) outline the reason that the work is required to be undertaken outside the hours specified in Condition L2.1;
 - (iv) outline noise mitigation measures, including respite periods for works predicted to generate high noise levels;
 - (v) detail the expected noise impact of the works on noise sensitive receivers;
 - (vi) clearly state how complaints may be made and additional information obtained;
 - (vii) include a 24hr telephone number to make a complaint or request further information and the project website address;
 - (viii) provide contact details in community languages relevant to the locality; and
 - (ix) include notification of any upcoming community meetings required by Condition O4.1.

E1.4 Reporting to EPA

The licensee must submit a copy of any documentation to demonstrate compliance with Condition E1 to the EPA by 5.00pm on the same day it receives a request for that assessment report from an authorised EPA officer.

E2 Special Dictionary

E2.1 Audible means able to be aurally perceived by an authorised officer.

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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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.

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 works that result in identified sensitive receivers being 'highly noise affected' by the works, as per the *Interim Construction Noise Guidelines* (OEH, 2009).

Impulsive noise has the same meaning as in section 4.2 of the INP.

Interim Construction Noise Guidelines *Interim Construction Noise Guidelines* (OEH, July 2009)

Intermittent noise has the same meaning as in section 4.2 of the INP.

INP means the New South Wales Industrial Noise Policy published by the EPA in January 2000.

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 has the same meaning as in section 4.2 of the INP.

Operational hours means hours during which works or activities are being undertaken on the licensed premises.

Out of hours means hours outside those prescribed by condition L2.1.

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.

Practicable and reasonable has the same meaning as 'reasonable and feasible' in the INP.

Noise sensitive receiver means any dwelling, boarding-house, child care centre, educational establishment, hospital, motel, nursing home, or place of public worship.

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.

Tonal noise has the same meaning as in section 4.2 of the INP.

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Dictionary

General Dictionary

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

Ms Shelley Nancarrow

Environment Protection Authority

(By Delegation)

Date of this edition: 01-November-2010

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End Notes

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|----|--|
| 2 | Licence format updated on 19-Jul-2011 |
| 3 | Licence varied by notice 1500492 issued on 28-Jul-2011 |
| 4 | Licence varied by notice 1501970 issued on 05-Oct-2011 |
| 5 | Licence varied by notice 1503030 issued on 15-Dec-2011 |
| 6 | Licence varied by notice 1504299 issued on 16-Feb-2012 |
| 7 | Licence varied by notice 1505102 issued on 13-Apr-2012 |
| 8 | Licence varied by notice 1505808 issued on 11-May-2012 |
| 9 | Licence varied by notice 1506687 issued on 14-Jun-2012 |
| 10 | Licence varied by notice 1507029 issued on 03-Jul-2012 |
| 11 | Licence varied by notice 1508500 issued on 30-Aug-2012 |
| 12 | Licence varied by notice 1509362 issued on 12-Oct-2012 |
| 13 | Licence varied by notice 1510955 issued on 18-Dec-2012 |
| 14 | Licence varied by notice 1513271 issued on 05-Apr-2013 |
| 15 | Licence varied by notice 1514031 issued on 23-May-2013 |