

# Licence Variation

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Licence - 20971

JOHN HOLLAND PTY LTD  
ABN 11 004 282 268 ACN 004 282 268  
3RD FLOOR/140 SUSSEX STREET  
SYDNEY NSW 2000

Attention: Krissy Vajda

Notice Number 1585029  
File Number EF17/7560  
Date 16-Sep-2019

## NOTICE OF VARIATION OF LICENCE NO. 20971

### BACKGROUND

- A. JOHN HOLLAND PTY LTD ("the licensee") is the holder of Environment Protection Licence No. 20971 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at locations between Chatswood railway station and Sydenham railway station, SYDNEY, NSW, 2000 ("the premises").
- B. On 02-Sep-2019 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. This licence variation notice is to allow out of hours works at the Pitt Street Station (South) site to re-configure and extend the existing hoarding and new facilities to be installed on top of the new hoarding.
- D. The EPA has reviewed the application and supporting documentation including the justification report, noise assessment and proposed range of mitigation measures and has determined to vary the licence to permit the works subject to the conditions contained in the licence.
- E. In issuing this notice the EPA has taken into account s45 of the Act.

### VARIATION OF LICENCE NO. 20971

1. By this notice the EPA varies licence No. 20971. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
  - Deletion of redundant condition L4.15(c), and

# Licence Variation

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- Addition of condition L4.15(d).

*Claire Miles*

.....  
**Claire Miles**  
**Unit Head**  
**Metropolitan Infrastructure**  
(by Delegation)

## **INFORMATION ABOUT THIS NOTICE**

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

## **Appeals against this decision**

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

## **When this notice begins to operate**

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

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| <b><u>Licence Details</u></b> |              |
|-------------------------------|--------------|
| Number:                       | 20971        |
| Anniversary Date:             | 28-September |

| <b><u>Licensee</u></b>      |
|-----------------------------|
| JOHN HOLLAND PTY LTD        |
| 3RD FLOOR/140 SUSSEX STREET |
| SYDNEY NSW 2000             |

| <b><u>Premises</u></b>   |
|--|
| SYDNEY METRO CITY & SOUTHWEST TUNNELS AND EXCAVATION WORKS               |
| LOCATIONS BETWEEN CHATSWOOD RAILWAY STATION AND SYDENHAM RAILWAY STATION |
| SYDNEY NSW 2000  |

| <b><u>Scheduled Activity</u></b> |
|----------------------------------|
| Concrete works                   |
| Crushing, grinding or separating |
| Railway systems activities       |
| Shipping in bulk                 |

| <b><u>Fee Based Activity</u></b> | <b><u>Scale</u></b>                              |
|----------------------------------|--|
| Concrete works                   | > 50000 m3 annual production capacity            |
| Crushing, grinding or separating | > 100000-500000 T annual processing capacity     |
| Railway systems activities       | Any capacity                                     |
| Shipping in bulk                 | > 500000 T of annual capacity to load and unload |

| <b><u>Region</u></b>        |
|-----------------------------|
| Metropolitan Infrastructure |
| Level 13, 10 Valentine Ave  |
| PARRAMATTA NSW 2150         |
| Phone: (02) 9995 5000       |
| Fax: (02) 9995 6900         |
| 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);
- 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:

|                                    |
|------------------------------------|
| <b>JOHN HOLLAND PTY LTD</b>        |
| <b>3RD FLOOR/140 SUSSEX STREET</b> |
| <b>SYDNEY NSW 2000</b>             |

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 development work listed below at the premises listed in A2:

These works are wharf upgrades at Blues Point and the Clyde Barging Facilities.

A1.2 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

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

| Scheduled Activity               | Fee Based Activity               | Scale  |
|----------------------------------|----------------------------------|--|
| Concrete works                   | Concrete works                   | > 50000 m3 annual production capacity            |
| Crushing, grinding or separating | Crushing, grinding or separating | > 100000 - 500000 T annual processing capacity   |
| Railway systems activities       | Railway systems activities       | Any capacity                                     |
| Shipping in bulk                 | Shipping in bulk                 | > 500000 T of annual capacity to load and unload |

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

A2.1 The licence applies to the following premises:

| Premises Details  |
|---|
| SYDNEY METRO CITY & SOUTHWEST TUNNELS AND EXCAVATION WORKS  |
| LOCATIONS BETWEEN CHATSWOOD RAILWAY STATION AND SYDENHAM RAILWAY STATION                                    |
| SYDNEY  |
| NSW 2000  |
| BETWEEN CHATSWOOD RAILWAY STATION AND SYDENHAM RAILWAY STATION AS DEFINED BY PREMISES MAPS HELD BY THE EPA. |

A2.2 The premises is the most recently approved premises maps held on EPA electronic file EF17/7560.

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- A2.3 Premises maps are not deemed to be approved by the EPA unless confirmed in writing.
- A2.4 Premises maps changes as a result of scheduled land portion handover, land portion surrenders or land portion additions are permitted to be altered through this condition. Any proposed variations to the premises must:
- (a) be submitted to the EPA in electronic format; and
  - (b) be a complete map set containing unique identifiers for revision number and map sheet numbers; and
  - (c) be submitted to the EPA no less than 5 business days prior to the scheduled handover, surrender or land portion addition date.
- A2.5 The licensee must display the most recently approved premises maps on the project's website.

## A3 Information supplied to the EPA

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

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

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

- A3.2 Unless specifically stated by another condition of this licence, Environmental Management Plans or systems supplied to the EPA by the licensee do not form part of this licence.

## 2 Discharges to Air and Water and Applications to Land

### P1 Location of monitoring/discharge points and areas

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

| EPA identification no. | Type of Monitoring Point | Type of discharge point | Location description |
|------------------------|--------------------------|-------------------------|----------------------|
|------------------------|--------------------------|-------------------------|----------------------|

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|   |                                 |                                 |  |
|---|---------------------------------|---------------------------------|--|
| 1 | Water discharge                 | Water discharge                 | The outlet to sediment basins referred to in condition P1.2  |
| 2 | Water treatment plant discharge | Water treatment plant discharge | The discharge from water treatment plants associated with tunnelling works referred to in condition P1.2 |

- P1.3 The sediment basins and discharge points referred to in Condition P1.1 are active basins and discharge points identified in the spreadsheet titled *Sydney Metro city & Southwest Temporary Sediment Basin and Water Treatment Discharge Point Schedule* that is stored on EPA electronic file EF17/7560.
- P1.4 The licensee must notify the EPA in writing, at least 48 hours prior to a basin or discharge point becoming active or inactive. The notification must include an updated *Sydney Metro city & Southwest Temporary Sediment Basin and Water Treatment Discharge Point Schedule*.

Note: For the purposes of this Condition, sediment basins are only considered active whilst accepting water directly from un-stabilised and/or active construction areas.

## 3 Limit Conditions

### L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

### L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 For the avoidance of doubt, this condition does not authorise the pollution of waters by any pollutant in any other concentrations other than those specified in the table.
- L2.4 If the licensee uses turbidity (NTU) in place of TSS to determine compliance with Conditions L2.8 and L2.9 the licensee must develop a statistical correlation which identifies the relationship between NTU and TSS for water quality in the sediment basins, water treatment plants and excavations in order to determine the NTU equivalent of 50 mg/L TSS before NTU is used.

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- L2.5 The licensee must provide the EPA with a copy of the statistical assessment methodology and results before using NTU in place of TSS.
- L2.6 The licensee must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.
- L2.7 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 L2.6 before using the revised statistical correlation.
- L2.8 **Water and/or Land Concentration Limits**

## POINT 1

| Pollutant              | Units of Measure     | 100 percentile concentration limit |
|------------------------|----------------------|------------------------------------|
| Oil and grease         | Visible              | Not visible                        |
| pH                     | pH                   | 6.5 - 8.5                          |
| Total suspended solids | Milligrams per Litre | 50                                 |

## L2.9 POINT 2

| Pollutant              | Units of Measure     | 100 Percentile Concentration Limit |
|------------------------|----------------------|------------------------------------|
| pH                     | pH                   | 6.5 - 8.5                          |
| Total suspended solids | Milligrams per Litre | 50                                 |

- L2.10 Exceedance of a quality limit specified in Conditions L2.8 and L2.9 of this licence for the discharge of pH and Total Suspended Solids from the points identified in Condition P1.3 of this licence is permitted if the discharge occurs solely as a result of rainfall measured at the Premises. This rainfall must exceed the rainfall depth value for the corresponding discharge point occurring from the discharge points listed in Condition P1.3.
- L2.11 Discharge points detailed in Condition P1.3 must be consistent with the controls detailed in the document titled *SMCSW-TSE-JCG-TPW-EM-RPT-097233-Controlled Water Overflow Management Strategy*.
- L2.12 The document referred to in Condition L2.11 must be displayed, and be made readily accessible on the licensee's project website.

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## L3 Noise limits

L3.1 The licensee must implement all feasible and reasonable noise and vibration abatement measures at the premises to minimise noise and vibration impacts on noise sensitive receivers.

## L4 Hours of operation

L4.1 Unless permitted by another condition of this licence, construction works and activities must:

- (a) only be undertaken between the hours of 0700 and 1800 Monday to Friday; and
- (b) only be undertaken between the hours of 0800 and 1300 Saturday; and
- (c) not be undertaken on Sundays or Public Holidays.

## L4.2 Exemptions to standard construction hours for low noise impact works

The following works and activities may be carried out outside of the hours specified in Condition L4.1 if the works and activities do not cause, when measured at the boundary of the most affected noise sensitive receiver:

- (a) LAeq(15 minute) noise levels greater than 5dB above the day, evening and night rating background level (RBL) as applicable; and
- (b) LA1(1 minute) or LAm<sub>ax</sub> noise levels greater than 15dB above the night RBL for night works; and
- (c) continuous or impulsive vibration values greater than those for human exposure to vibration, set out for residences in Table 2.2 in "Environmental noise management - Assessing Vibration: a technical guideline" (Department of Environment and Conservation, February 2006); and
- (d) intermittent vibration values greater than those for human exposure to vibration, set out for residences in Table 2.4 in "Environmental noise management - Assessing Vibration: a technical guideline" (Department of Environment and Conservation, February 2006).

For the purpose of this condition, the RBLs are those contained in an environmental assessment for the scheduled activity subject to this licence prepared under the Environmental Planning and Assessment Act 1979. Alternatively, the licensee may use another RBL determined in accordance with the NSW Industrial Noise Policy (EPA, 2000) and provided to the EPA prior to carrying out any works or activities under this condition.

## L4.3 Exemptions to standard construction hours in exceptional circumstances

- (a) The licensee may undertake works outside of standard construction hours if any of the following applies:
  - (i) emergency works is required to avoid the loss of lives or property, or to prevent material harm to the environment;
  - (ii) the delivery of oversized plant or structures has been determined by the police or other authorised authorities to require special arrangements to transport along public roads.
- (b) The licensee must, on becoming aware of the need to undertake emergency construction work under this condition notify the EPA's Environment Line as soon as practicable and submit a report to the EPA by

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2pm on the next business day after the emergency works commenced that describes:

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

For the purpose of this condition, “material harm to the environment” has the same meaning as in section 147 of the *POEO Act*.

#### L4.4 24-Hour works

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

- (a) Tunnelling activities and tunnelling ancillary surface support works; and
- (b) Haulage and delivery and of spoil and materials; and
- (c) Excavation within an acoustic enclosure; and
- (d) Any other activities permitted by another condition of this licence.

#### L4.5 High Noise Impact Works

Unless otherwise specified by another condition of this licence, the following applies in relation to high noise impact works:

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

1. between the hours of 8:00am to 6:00pm Monday to Friday;
2. between the hours of 8:00am to 1:00pm Saturday; and
3. 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.

(b) the respite hours specified in L4.5(a)3. do not apply to high noise impact works where alternative respite scheduling has been determined as per the requirements of Condition L4.6 and E1.

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

#### L4.6 High Noise Impact Works – Victoria Cross, Crows Nest, Barangaroo, Martin Place and Pitt Street Worksites

(a) This condition applies to works (including utility works) at the following worksites where internal noise levels are greater than  $L_{eq(15minute)} 60dB(A)$ :

- a. Victoria Cross,
- b. Crows Nest,
- c. Barangaroo,
- d. Martin Place and
- e. Pitt Street.

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(b) This condition requires High Noise Impact Construction work and activities to be undertaken in accordance with the hours specified in Condition L4.5(a)1. and L4.5(a)2. and allows for alternative respite scheduling other than what is required by Condition L4.5(a)3. when alternative respite periods are determined in accordance with Conditions E1.1 and E1.2.

## L4.7 Works Approved Outside of Standard Construction Hours – Local Area and Utility Works

(a) Local area and utilities works may be undertaken outside of standard construction hours specified in L4.1 at the Crows Nest, Chatswood Dive, Victoria Cross North and South, Waterloo, Marrickville Barangaroo, Pitt Street, Martin Place and Blues Point worksites but only if one or more of the following applies:

- (i) carrying on those works and activities during the hours specified in Condition L4.1 would result in a high risk to construction personnel or public safety, based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2009 "Risk Management"; or
- (ii) the relevant road network operator has advised the licensee in writing that carrying out the works and activities during the hours specified in Condition L4.1 would result in a high risk to road network operational performance; or
- (iii) the relevant utility service operator has advised the licensee in writing that carrying out the works and activities during the hours specified in Condition L4.1 would result in a high risk to the operation and integrity of the utility network; or
- (iv) the TfNSW Transport Management Centre (or other road authority) have advised the licensee in writing that a road occupancy licence is required and will not be issued for the works or activities during the hours specified in Condition L4.1; or
- (v) Sydney Trains (or other rail authority) have advised the licensee in writing that a Rail Possession is required and it will not be issued for the works or activities during the hours specified in Condition L4.1.

L4.8 In undertaking any works or activities under Condition L4.7 the licensee must:

(a) Only undertake activities between the hours of:

1. 6:00 pm and 7:00 am the following day on Mondays, Tuesdays, Wednesdays, and Thursdays; and
2. 6:00 pm and 8:00 am the following day on Fridays.

(b) Ensure that works and activities do not impact the same noise sensitive receivers on more than:

- (i) 3 evenings or nights per week; and
- (ii) 10 evenings or nights per month.

(c) Implement reasonable and feasible noise and vibration mitigation measures as detailed in the Interim Construction Noise Guidelines (DECC 2009).

(d) Undertake noise monitoring at the boundary of the most noise affected receiver or other sensitive land uses(s) that is most representative of noise generating activities being carried out at the site; and

(e) Comply with the requirements of Condition R4.1; and

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(f) Comply with the requirements of Condition R4.4; and

(g) Ensure that an indicative schedule of local area and utilities works is made publicly accessible on the licensee's project website.

NOTE: For the purposes of condition L4.8 "impact" is defined as noise levels that exceed the noise levels in L4.2.

L4.9 If works are undertaken by a utilities provider during a scheduled respite period identified by Condition L4.7, and those works are related to the scheduled activity permitted by this licence, the licensee must:

- (a) where feasible, reschedule any works permissible by Condition L4.7 to provide respite to impacted noise sensitive receivers so that the minimum number of respite periods in any week can be achieved; or
- (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and
- (c) provide documentary evidence to the EPA in support of any decision made by the licensee in relation to the provision or refusal of any respite or mitigation within the validation report required by Condition R4.4.

L4.10 The operation of Conditions L4.7, L4.8 and L4.9 is subject to review by the EPA after a 40 day trial period that extends from the date of issue of this licence.

#### L4.11 **Community Agreement**

The licensee may undertake works outside of standard construction hours if agreement between the licensee and a substantial majority of noise sensitive receivers has been reached.

Note: This condition applies to out-of-hours works that have not been approved by another condition of this licence.

L4.12 Any agreement(s) between the licensee and noise sensitive receivers referred to in Condition L4.11 must be:

- (a) submitted to the EPA for approval prior to any works that are the subject of the agreement being undertaken; and
- (b) prepared in writing and a copy of the agreement(s) kept on the premises by the licensee for the duration of this licence; and
- (c) kept on the licensee's project website for the duration of the agreement (personal details of residents must be omitted); and
- (d) prepared and implemented in accordance with Condition E2

#### L4.13 **Notification of works approved outside of standard construction hours**

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

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(b) The notification must be:

- by letterbox drop or email; and
- be detailed on the project website.

(c) The notification required by paragraphs (a) and (b) of this condition must:

- clearly outline the reason that the work is required to be undertaken outside the hours specified in Condition L4.1;
- include a diagram that clearly identifies the location of the proposed works in relation to nearby cross streets and local landmarks;
- include details of relevant time restrictions that apply to the proposed works;
- clearly outline, in plain English, the location, nature, scope and duration of the proposed works;
- detail the expected noise impact of the works on noise sensitive receivers;
- clearly state how complaints may be made and additional information obtained; and
- include the number of the telephone complaints line required by Condition M4.1, an after hours contact phone number specific to the works undertaken outside the hours specified in Condition L4.1, and the project website address.

This condition does not apply to works undertaken in accordance with Condition L4.3.

## L4.14 Additional Works Approved Outside of Standard Construction Hours

Additional Local Area and Utility Works are permitted to be undertaken outside the hours specified in Condition L4.1 at the Barangaroo, Crows Nest, Pitt St, Waterloo, Victoria Cross South, Blues Point and Martin Place sites provided that:

- (a) [deleted]
- (b) [deleted]
- (c) [deleted]
- (d) [deleted]
- (e) [deleted]
- .
- (f) [deleted]
- .
- (g) [deleted]
- .
- (h) [deleted]

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.  
(i) [deleted]

.  
(j) [deleted]

.  
(k) [deleted]

.  
(l) Works at the Barangaroo worksite associated with excavation ground support activities for the Barangaroo Station Box Excavation as outlined in the licence variation applications submitted to EPA on 4 July 2018, 6 December 2018, 1 March 2019 and 10 May 2019 provided that:

(i) works are undertaken between 6pm to 10pm on weeknights only (Monday to Friday); and,

(ii) the works are approved on the basis of a third trial period commencing on Monday 20 May 2019 to Friday 9 August 2019 (hereafter referred to as “the trial period”); and,

(iii) compliance noise monitoring is to be undertaken on one evening in each month of the trial period, on a minimum of three occasions, at an external location representative of the most affected residential receiver location. The monitoring is to be carried out in accordance with condition M6 and shall report on the following acoustic parameters: Ambient LAFmax, LAeq,15 minutes, LAF90,15 minutes; and the measured or estimated LAFmax and LAeq,15 minute of the station box excavation contribution noise level only (hereafter referred to as “contribution noise levels”); and,

(iv) The noise monitoring required by L4.14(l)(iii) shall be provided to EPA no later than one week after the expiration of the trial period and shall include comparison of the contribution noise levels to the noise levels predicted for the activity (at the monitoring location) in the licence variation applications and whether any complaints have been received in the trial period; and,

(v) works permitted under L4.14(l)(i)&(ii) are permitted to continue for three weeks after the expiration of the trial period to allow for submission of the noise monitoring results, and assessment by EPA.

(vi) During works authorised by this condition, no other works permissible under L4.7 are to be undertaken that will impact the same noise sensitive receiver by noise levels greater than those outlined in Condition L4.2.

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(m) [deleted]

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(n) [deleted]

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(o) [deleted]

## L4.15 Additional Works Approved Outside of Standard Construction Hours

Additional Local Area and Utility Works are permitted to be undertaken outside the hours specified in

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Condition L4.1 at the Barangaroo, Crows Nest, Pitt St, Waterloo, Victoria Cross South, Blues Point and Martin Place sites provided that:

(a) Marine Piling Works at the Blues Point Shaft and Precinct as follows:

(i) A maximum of twenty five (25) nights work over a ten week period commencing from 3 February 2019 and concluding on 12 April 2019.

(ii) The works are undertaken from 9pm to 7am on Sunday to Thursday nights.

(iii) The use of rattle guns is limited to standard construction hours except in the case of an emergency as defined in condition L4.3. If rattle guns are used outside of standard construction hours, the licensee shall report to the EPA by 2pm the next business day; advising the extent of use, the justification for their use and if there have been any related complaints. These reporting requirements replace those outlined in L4.3(b).

(iv) Attended compliance monitoring is to be undertaken on or about the first occasion of piling works, fender installation and ramp installation and generally in accordance with condition M6. The results of the monitoring are to be provided in a report to the EPA within 3 days of each occasion of monitoring.

(v) No other out of standard hours work permitted under condition L4.7 is to be undertaken in or around the Blues Point Shaft and Precinct by the licensee or agents that impact the same receivers by noise levels greater than those allowable in condition L4.2 on nights when marine piling works are not being undertaken, unless specifically required by a utility provider in writing. Where such works occur, the written advice from the relevant utility provider is to be provided to EPA in the validation report required under condition R4.4.

(b) Works at the Martin Place Station and Precinct South site for the installation of a tower crane on Martin Place adjacent to Castlereagh Street as outlined in the licence variation application submitted to EPA on 21 December 2019 provided that:

(i) Works are undertaken between 7pm Friday and 5am Monday on one weekend between 8 February to 25 February 2019; and,

(ii) high noise impact work is not undertaken after midnight unless the works are essential to necessary road reinstatement; and,

(iii) where works are undertaken in accordance with this condition, no other out of standard hours works shall be undertaken for one night before and four nights after the weekend work where such works would impact the same noise sensitive receiver by noise levels greater than those outlined in Condition L4.2.

(c) deleted

(d) Works at the Pitt Street South worksite for the re-configuration and installation of hoarding and site facilities as outlined in the licence variation application submitted to the EPA on 2 September 2019 provided that;

(i) Out of standard hours works are only undertaken between 6pm to 5am on no more than six (6) nights between 23 September 2019 to 8 November 2019; and,

(iii) the subject works are included as an occasion of evening / night works for the purposes of meeting the requirements of condition L4.8 under this licence.

## L5 Potentially offensive odour

L5.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

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

## L5.2 Offensive Blast Fumes

Offensive blast fume must not be emitted from the premises. Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or
2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.

## L6 Other limit conditions

### L6.1 Blasting activities - Victoria Cross (North)

1. Prior to any blasting activities on the premises, the licensee is required to:
  - a) identify all sensitive receiver locations predicted to exceed an airblast overpressure level of 115dB(Lin) peak hold and/or ground vibration level of 5mm/s peak particle velocity; and,
  - b) provide the identified sensitive receivers with details of the proposed blasting activities.
2. The information provided to sensitive receivers shall include:
  - a) the date and time of proposed blasts and provide at least seven (7) days notice of blasts; and,
  - b) the option for people to receive additional text messages or emails on the day of the blast to advise as the detonation time approaches; and,
  - c) information about the likely level of perception the blasting will have, and direct the person to the provisions in CSSI 15\_7400 that allows blasting to occur on the premises.

L6.2 The EPA is to be advised at least seven (7) days before any blast.

## 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.

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## 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 from the premises to the greatest extent practicable.

## O4 Waste management

### O4.1 Waste management

The licensee must assess, classify and manage any waste generated at the premises in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste, November 2014* prior to taking the waste off the premises.

- O4.2 The licensee must not cause, permit or allow any waste generated:

- (a) Outside the premises to be received at the premises, except for recycled materials from Sydney Trains rail corridor (EPL 12208) or Sydney Trains recycling facility (EPL 7515) or materials that meet the EPA's Resource Recovery Exemptions for engineered fill purposes;
- (b) At the premises to be land applied at the premises, except as permitted in Condition O4.3.

- O4.3 Excavated material suitable for re-use within the premises, may be transported from one part of the premises or the Sydney Trains rail corridor or Sydney Trains recycling facility to another part of the premises by road in accordance with Condition O4.4.

- O4.4 The licensee must ensure that:

- (a) The body of any vehicle or trailer, used to transport waste or excavation spoil from the premises, is covered before leaving the premises to minimise any spill or escape of any dust, waste or spoil from the vehicle or trailer; and
- (b) Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the premises, is removed to the greatest extent practicable before the vehicle, trailer or motorised plant leaves the premises; and
- (c) Road surfaces subject to tracking of material by vehicles leaving the premises are cleaned at the end of each work day.

### O4.5 Waste Management Plans

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Waste Management Plans must be prepared for all demolition/construction/excavation works undertaken on the premises that generate waste that will be disposed offsite (not including office paper or cardboard). The plan must be completed prior to waste being transported off the premises. The plans must include the following:

- (a) Estimations of the different waste types to be generated from the proposed works; and
- (b) Estimations of how much of each waste type will be generated from the proposed works; and
- (c) List of all places (full street address) where waste will be transported to; and
- (d) Written confirmation from each place of disposal (listed in point c) that they can lawfully receive the types of waste proposed to be transported there.
- (e) Where the place of disposal changes after the plan has been made, an amendment to the plan can be made as an addendum that includes an update points a) to d) above.

O4.6 The licensee must ensure waste management, waste transport and waste disposal is carried out in accordance with the waste management plans prepared for the premises.

O4.7 A copy of all waste management plans must be kept on the premises.

## O4.8 Waste Transport Documentation and Record Keeping

Legible copies of all receipts and/or weighbridge dockets in relation to disposal of waste from the premises must be collected from transporters and/or contractors and kept by the licensee.

## O5 Other operating conditions

O5.1 The licensee must, before undertaking any construction work (including excavation), implement all soil and water management works required to minimise the pollution of water in accordance with Managing urban stormwater: soils and construction - Volume 1, 4th Edition (Blue Book).

## 5 Monitoring and Recording Conditions

### M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this licence must be:

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

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

- a) the date(s) on which the sample was taken;

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

## M2 Requirement to monitor concentration of pollutants discharged

### M2.1 Water and/or Land Monitoring Requirements

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.

#### POINT 1

| Pollutant              | Units of Measure     | Frequency           | Sampling Method   |
|------------------------|----------------------|---------------------|-------------------|
| Oil and grease         | Visible              | Special Frequency 1 | Visual inspection |
| pH                     | pH                   | Special Frequency 1 | In situ           |
| Total suspended solids | Milligrams per Litre | Special Frequency 1 | Grab sample       |

### M2.2 POINT 2

Note: Where a TSS/NTU correlation has been determined in accordance with Conditions L2.4 to L2.7, then in situ sampling method is suitable.

| Pollutant              | Units of Measure     | Frequency                  | Sampling Method |
|------------------------|----------------------|----------------------------|-----------------|
| pH                     | pH                   | Daily during any discharge | In situ         |
| Total suspended solids | Milligrams per Litre | Daily during any discharge | Grab sample     |

M2.3 For the purposes of Conditions M2.1, the term 'Special Frequency 1' means:

- (a) Less than 24hours prior to controlled discharge and daily for any controlled discharge; and
- (b) When rainfall causes a discharge from a basin which has not been emptied within 5 days of the cessation of a rainfall event.

## M3 Weather monitoring

M3.1 The licensee must monitor hourly temperature, humidity, wind velocity and rainfall at either the project weather station, or through analysis of equivalent weather information obtained from the Australian

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Bureau of Meteorology.

## M4 Recording of pollution complaints

- M4.1 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.
- M4.2 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.
- M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## M5 Telephone complaints line

- M5.1 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.
- M5.2 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.
- M5.3 The preceding two conditions do not apply until 28/09/2017 the date of the issue of this licence.
- M5.4 **Notification of Community Complaints Line**

The licensee must ensure that the community notification required by condition M5.2 is undertaken:

(a) by including details on the project website on:

1. how the public can make a complaint on the telephone complaints line; and
2. how complaints will be processed

(b) by clear signage at the boundary of each worksite that contains both the telephone complaints line number and the project website details.

Note: For the purposes of this Condition and Condition M5.1, the telephone complaints line and notification of the telephone complaints line is operated and undertaken by Transport for NSW. The

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licensee will have staff available to respond to complaints during hours when works are occurring.

## M5.5 Noise and Vibration Complaints

(a) The licensee must investigate noise and vibration complaints:

(i) within two hours of the complaint being made; or  
(ii) in accordance with any documented complaint management agreement between the licensee and the complainant.

(b) The licensee must ensure that any investigation referred to in this condition that identifies works or activities being undertaken on the licensee's premises as the likely source of the complaint, includes an offer to the complainant to undertake attended noise or vibration monitoring at their premises unless representative real-time monitoring data was being collected at the time of the complaint.

(c) If the occupant of the dwelling or management personnel 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.

## M5.6 Notifying Results of Complaint Investigation

The licensee must, in respect of each complaint made to the telephone complaints line required by Condition M5.1, advise each complainant of the results of its investigation of their complaint and any proposed remedial action.

## M6 Noise monitoring

M6.1 The licensee must monitor noise and vibration from construction work and especially during work undertaken out of hours specified in Condition L4.1

M6.2 All noise monitoring must be undertaken in accordance with *Australian Standard AS 2659.1 – 1998: Guide to the use of sound measuring equipment – portable sound level meters*, or any revisions of that standard which may be made by Standards Australia, and the compliance monitoring guidance provided in the *NSW Industrial Noise Policy*.

M6.3 All vibration monitoring must be undertaken in accordance with the technical guidance provided in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (DECC, 2006). All vibration monitoring results may be assessed and reported against the acceptable values of human exposure to vibration set out in Tables 2.2 and 2.4 of the guideline.

M6.4 The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA.

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## 6 Reporting Conditions

### R1 Annual return documents

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

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

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

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

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

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

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

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

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 via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

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

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

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

## **R2 Notification of environmental harm**

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

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

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

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## **R4 Other reporting conditions**

### **R4.1 Daily Complaints Reports**

(a) The licensee must submit by 2:00pm each business day a report to the EPA that provides details of all complaints received in relation to construction activities regulated by the licence on the telephone complaints line required by Condition M5 or through any other means.

(b) The report must:

1. Be submitted to the email address nominated by the EPA; and
2. Include a unique identifier number for each complainant together with the details required by condition M4.2; and
3. Include date and time as reported by the complainant of the event that is the subject of the complaint; and
4. Include an outline of the work or activity that is the subject of the complaint; and
5. Include the complaints received between 12am and 12pm; and
6. If the works have been carried out under Conditions L4.2, L4.3, L4.4, L4.6, L4.7, L4.9, or L4.11 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.

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

### **R4.2 Noise and Vibration Reports**

(a) Upon request of an authorised officer, the licensee must submit a Preliminary Investigation Report to the EPA in respect of any noise or vibration monitoring undertaken in accordance with the requirements of Condition M5.5

(b) The Preliminary Investigation Report must be submitted to the EPA by 4:30pm on the afternoon of the next working day following any noise or vibration monitoring.

(c) The Preliminary Investigation Report must:

1. Include numerical and/or graphical representation of the noise and vibration monitoring results; and
2. Highlight any detected exceedance of noise limits or noise management levels specified in this licence, relevant noise modelling and any relevant noise guidelines.

### **R4.3 In the event of any exceedance of noise limits or noise management levels, the licensee must:**

(a) Modify activities and implement all reasonable and feasible measures to prevent a recurrence of the exceedance; and

(b) Submit a Follow-Up Investigation Report to the EPA within 5 working days of any noise or vibration monitoring having been undertaken (unless otherwise approved by the EPA).

(c) The Follow-Up Investigation Report must include:

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1. Confirmation of whether noise monitoring has been undertaken in accordance with AS2659 and the compliance monitoring guidance provided in the INP; and
2. Confirmation of whether vibration monitoring has been undertaken in accordance with the guidance provided in *Assessing Vibration: a technical guideline (DEC 2006)*.
3. Details of the prevailing meteorological conditions during the period when the monitoring was undertaken; and
4. A map of each noise and vibration monitoring location in relation to the noise source, including relevant distances; and
5. Numerical and graphical representation of the noise and vibration monitoring results; and
6. An analysis of the noise and vibration monitoring results; and
7. Details of any remedial action taken in relation to the matter; and
8. In cases not the subject of remedial action, detailed justification of the decision not to undertake remedial action.

## 7 General Conditions

### G1 Copy of licence kept at the premises or plant

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

### G2 Other general conditions

#### G2.1 Environmental Induction

- (a) The licensee must ensure that before any construction work is undertaken, all personnel involved in undertaking that work receive environmental induction training.
- (b) The induction training must:

1. Clearly identify the location of all noise sensitive receivers likely to be affected by noise or vibration generated during the course of the work undertaken by those personnel; and
2. Highlight the licence requirements to minimise noise and vibration impacts on noise sensitive receivers.

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## 8 Special Conditions

### E1 Alternative Respite Scheduling

#### E1.1 High Noise Impact Works – Victoria Cross, Crows Nest, Barangaroo, Martin Place and Pitt Street Worksites

If internal noise levels are predicted at the receiver to be greater than  $Leq(15 \text{ minute}) 60\text{dB(A)}$  surrounding the worksites listed in Condition L4.6(a), the licensee must:

- (a) Consult with all affected noise sensitive receivers likely to experience internal noise levels greater than  $Leq(15 \text{ minute}) 60 \text{ dB(A)}$  inclusive of a  $5\text{dB(A)}$  penalty if rock breaking or any other annoying activity likely to result in regenerated (ground-borne) noise or a perceptible level of vibration is planned between 7am and 8pm; and
- (b) Determine appropriate alternative hours of respite so that construction noise (including ground-borne noise) does not exceed internal noise levels of  $Leq(15 \text{ minute}) 60 \text{ dB(A)}$  for at least 6.5 hours between 7am and 8pm, of which at least 3.25 hours must be below  $Leq(15 \text{ minute}) 55 \text{ dB(A)}$ .

Note: this condition does not apply to noise associated with the cutting surface of a TBM as it passes underneath receivers.

#### E1.2 In relation to determining the alternative respite hours as per Condition E1.1, the following applies:

(a) Affected noise sensitive receivers must be identified through a construction noise and vibration impact assessment undertaken by a suitably qualified professional experienced in assessing the impacts of noise and vibration from civil engineering works; and

(b) The licensee must identify options for respite periods based on:

1. initial consultation with affected noise sensitive receivers to determine options for alternative respite periods followed by;
2. a survey of the affected noise sensitive receivers to determine the preferred option for alternative respite periods.

(c) The licensee must analyse the results of the consultation and survey under Condition E1.2(b) and provide the analysis and justification for the preferred option to the EPA for review at least 3 weeks prior to implementation; and

(d) The licensee must notify the affected noise sensitive receivers of the alternative respite periods not less than 5 days and not more than 14 days before implementation. The notification must be by letterbox drop or email and be detailed on the project website. The notification must outline the justification for implementing the adopted respite periods.

Note: For the avoidance of doubt, Condition E2 (below) does not apply in conjunction to the requirements of Condition E1. For any works outside of the periods specified in the conditions of this licence, a licence variation must be submitted to the EPA for consideration.

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## E2 Community Agreements

### E2.1 Requirements for community agreements

Any community agreement to permit works to be undertaken outside of standard construction hours (OOHW) under Condition L4.8 must:

(a) be prepared and implemented in accordance with the relevant sections of the Interim Construction Noise Guidelines (DEC 2009), the Industrial Noise Policy (EPA 1999) and AS2346-2010 Guide to noise and vibration control on construction, demolition and maintenance sites;

(b) detail the following:

1. the actual works proposed;
2. any expected impacts in clear, simple English based on noise modelling;
3. the expected duration of the works;
4. any expected benefits for receivers;
5. any other concurrent OOHW that will be occurring; and
6. any other OOHW that will be occurring on the nights preceding and following the proposed works or, if the proposed work precedes or follows a weekend period, any other OOHW that will be occurring on the weekend.

(c) demonstrate that the noise sensitive receivers party to the agreement understand the nature of the works and any predicted impacts; and

(d) be kept for the duration of the agreement and made available to an EPA authorised officer on request.

### E2.2 Consultation and Engagement

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

(a) all noise sensitive receivers predicted by modelling to be impacted by noise greater than 5 dB(A) above RBL must be consulted on any proposed community agreement. This includes noise sensitive receivers that have declined to participate in previous agreements;

(b) all proposed agreements must include details for interpreting services for languages other than English where required; and

(c) If a licensee is unable to contact a noise sensitive receiver after three attempts, including leaving "sorry I missed you" cards explaining the reason for the visit and requesting a return phone call, then the licensee will note that the receiver could not be contacted and the receiver will not be considered to have either agreed or disagreed; and

(d) records of the attempts to contact the receiver will be kept by the licensee.

### E2.3 Agreement thresholds

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

1. noise sensitive receivers predicted to by the licensee to be impacted by noise levels exceeding those specified in Condition L4.2(a) and L4.2(b); and

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2. noise sensitive receivers predicted to by the licensee to be impacted by noise levels above a highly noise affected level of 75dB(A).

## E2.4 Community agreements attained by phone

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

- (a) the phone script used to describe the proposed agreement (including information required under Condition E2.1(b)) is to be provided to the EPA with the community agreement for approval; and
- (b) the script must include a clear question requesting receiver agreement to the proposal; and
- (c) detailed records are to be maintained by the licensee of all community agreement phone conversations and must be maintained for the duration of the community agreement; and
- (d) any noise sensitive receiver who requests a copy of the phone agreement must be supplied with one.

## E2.5 Notification

All noise sensitive receivers must be advised of any community agreement that has been attained in writing within seven days of the agreement being finalised and must:

- (a) include a website link to the project website, specifically to a summary of the approved project agreement; and
- (b) include details of the licensees complaints line as requires by condition M6; and
- (c) include details of the EPAs Environment Line.

The notification requirements in Condition 4.13 apply to community agreements.

## E2.6 Monitoring

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

- (a) be performed by a suitably qualified and experienced person; and
- (b) be performed on at least the first 2 nights where OOHW will be undertaken.

E2.7 If validation monitoring undertaken under Condition E2.6 shows that noise levels are higher than those predicted by any noise modelling undertaken as part of the community agreement, work practices must be modified so that measured noise levels do not exceed predicted levels.

E2.8 A validation monitoring plan must be submitted to the EPA for approval as part of the community agreement documentation prior to any OOHW occurring.

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## E3 Shipping in bulk

E3.1 Within one (1) month of the commencement of shipping in bulk activities at the Clyde Barging Facility (CBF) noise monitoring is to be undertaken at locations representative of the nearest sensitive receivers to the north and north east of the CBF generally in accordance with the requirements of condition R4.3.

The monitoring shall be undertaken when:

- (i) Wind speeds are less than 3m/s at 10m AGL and no rain; and,
- (ii) During barge arrival or departure activities; and,
- (iii) During typical unloading activities including front end loader / excavator removing spoil from the barge and placing into trucks and truck arrival / manoeuvring / departure operations; and,
- (iv) During the evening or night time period.

NOTE: The duration of monitoring will be determined by the capture of adequate data to satisfy E3.1(ii), (iii) and (iv) above.

The monitoring and report shall detail:

- (v) Ambient noise levels (LAFmax, LAeq,15min and LAF90,15min), and the contribution only noise level from the CBF activities using the LAFmax and LAeq,15min parameter; and,
- (vi) The activities contributing to the contribution noise levels from the CBF activities; and,
- (vii) An evaluation of the contribution noise levels against relevant Noise Management Levels (NMLs) in the Interim Construction Noise Guideline; and,
- (viii) Where NMLs are exceeded an evaluation of additional feasible and reasonable noise mitigation measures to seek to achieve the NMLs shall be undertaken.

The report shall be submitted to the EPA within six (6) weeks of commencement of barging activities.

E3.2 Prior to the commencement of shipping in bulk operations involving the despatch or receipt of spoil, a detailed hazard risk analysis of the activities shall be undertaken. The analysis shall identify:

- (i) all environmental hazards associated with the activity; and,
- (ii) the risk of the hazard resulting in a pollution incident; and,
- (iii) the control measures to be applied to minimise the risk of a pollution incident to greatest extent practicable; and,
- (iv) pollution incident response procedures and measures specific to the identified hazards and risk.

The analysis should be undertaken by a suitably qualified professional(s) and shall be implemented by the licensee prior to commencement of barging activities. The analysis is to be submitted to EPA prior to commencement of barging activities.

NOTE: The licensee's Pollution Incident Response Management Plan (PIRMP) should also be reviewed and modified as necessary to identify and respond to pollution incidents specific to shipping in bulk activities to meet obligation imparted on the licensee by Parts 5.7 and 5.7A of the Protection of the Environment Operations Act 1997.

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- E3.3 Prior to commencement of wharf / ramp construction activities at the Clyde Barging Facility and Blues Point, a detailed analysis of the activities is required that identifies:
- (i) Construction activities that have the potential to impact the environment including, but not limited to, the mobilisation / dispersion of sediment, management of potential acid sulphate soils, bank destabilisation and the potential for out of standard hours work and associated noise impacts; and,
  - (ii) Suitable control measures to ensure that environmental impacts are minimised to the extent that is practicable; and,
  - (iii) Suitable monitoring and inspection regimes to ensure that environmental impacts from the works are identified, monitored and rectified as required, including but not limited to water quality monitoring, inspection of the integrity of control measures; visual inspections for turbid plumes and oil and grease sheens; and,
  - (iv) The analysis must be completed prior to commencement of wharf /ramp construction activities and be submitted to EPA within one month of commencement of wharf / ramp construction activities. All activities and controls must be consistent with the planning consent and other approvals in place for these works.

## E4 Crushing, grinding and separating works - Barangaroo worksite

- E4.1 The scheduled activity of “crushing, grinding and separating” permitted under Condition A1.2 is restricted to the scope and location approved in License Variation Notice No. 1580989 and shall only be undertaken during hours permitted in condition L4.1.

## E5 Special Dictionary

E5.1

| Term                       | Meaning   |
|----------------------------|---|
| Acoustic enclosure         | can include an engineered and designed shed or enclosure, with airborne noise pathways minimised and treated where feasible and reasonable, endeavouring to achieve the Noise Management Levels in the Interim Construction Noise Guideline (DECC, 2009). Example treatments include noise curtains, acoustic barriers or fast operating doors to limit breakout noise from enclosures. |
| AS 2659                    | means Australian Standard AS 2659.1 – 1988 : Guide to the use of sound measuring equipment – Portable sound level meters  |
| Business day               | excludes Saturdays, Sundays, public holidays and rostered days off (RDOs)   |
| Operating hours            | means hours during which any construction-related works or activities are being undertaken, including outside of standard construction hours  |
| Construction work          | includes all construction work and activities, and all construction-related work and activities, undertaken on the premises.  |
| Day                        | the period from 0700 and 1800 h (Monday to Saturday) and 0800 to 1800 h (Sundays and Public Holidays) as per the definition in the New South Wales Government's Industrial Noise Policy.  |
| Essential utility services | means telephone, electricity, gas and water services.   |

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| Evening                                      | the period from 1800 to 2200 h as per the definition in the New South Wales Government's Industrial Noise Policy.   |
| Feasible Noise Abatement Measures            | Means actions to reduce noise levels that are capable of being put into practice or of being engineered and are practical to build given project constraints such as safety and maintenance requirements  |
| Haulage and delivery of spoil and material   | Including materials handling, tunnel logistics, segment aggregate deliveries, tunnelling equipment transportation, concrete deliveries, and spoil truck and barge movements and layby that are essential to be undertaken outside of standard construction hours outlined in Condition L4.1 to facilitate 24/7 tunnelling activities and excavation within an acoustic enclosure.   |
| High noise impact activities and works       | means jack hammering, rock breaking or hammering, pile driving, vibratory rolling, cutting of pavement, concrete or steel or other work occurring on the surface that generates noise with impulsive, intermittent, tonal or low frequency characteristics.   |
| INP  | means the New South Wales Industrial Noise Policy published by the EPA in January 2000.   |
| Impulsive noise                              | has the same meaning as in section 4.2 of the INP.  |
| Interim Construction Noise Guidelines (ICNG) | Interim Construction Noise Guidelines (DECC, July 2009).  |
| Intermittent noise                           | has the same meaning as in section 4.2 of the INP.  |
| Out of hours                                 | means hours outside those prescribed by condition L4.1.   |
| Noise Management Level (NML)                 | has the same meaning as "Airborne Noise Management Levels" in the Interim Construction Noise Guideline (DECC 2009)  |
| Night  | the period from 2200 to 0700 h (Monday to Saturday) and 2200 to 0800 h (Sundays and Public Holidays) as per the definition in the New South Wales Government's Industrial Noise Policy.   |
| Noise sensitive receiver                     | Land uses that are sensitive to noise, such as residential areas, churches, schools and recreation areas.   |
| Practicable and reasonable                   | has the same meaning as 'reasonable and feasible' in the INP.   |
| Rating Background Level (RBL)                | the same meaning as in the Interim Construction Noise Guideline (DECC 2009)   |
| Reasonable noise abatement measures          | Means those feasible noise abatement actions that are considered reasonable in the circumstances, based on a judgement that the overall noise benefits outweigh the overall adverse social economic and environmental effects, including the cost of measure. To make such a judgement, consideration is to be given to noise level impacts, noise mitigation benefits, cost effectiveness of noise mitigation and community views. |
| Residence                                    | A lawful and permanent structure erected in a land-use zone that permits residential use (or for which existing use rights under the EP&A Act apply) where a person/s permanently reside and is not, nor associated with, a commercial undertaking such as caretakers quarters, hotel, motel, transient holiday accommodation or caravan park.  |

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| 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                                | the same meaning as in section 4.2 of the INP.   |
| Tunnel                                     | an artificial underground passage or excavation generally in a horizontal direction.   |
| Tunnelling activities                      | activities involved in the horizontal excavation of a tunnel including the operation of a tunnel boring machine, road header, surface miner and the like (excluding rock hammering between 10pm to 7am in noise sensitive areas where the night time ground-borne noise objectives in the ICNG are predicted to be, or are exceeded) within a tunnel, and associated tunnel support works. |
| Tunnel support works                       | include, but are not necessarily limited to, rock anchoring/bolting, reinforcement, shotcreting, grouting, segment installation within a tunnel that are required to be undertaken outside of standard construction hours outlined in Condition L4.1 in order to maintain 24/7 tunnelling activities.  |
| Tunnelling ancillary surface support works | surface works and activities that are required to be undertaken outside of standard construction hours outlined in Condition L4.1 in order to maintain 24/7 tunnelling activities including, but not necessarily limited to, plant and equipment maintenance, and spoil, water, grout and ventilation management.  |

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## Dictionary

### General Dictionary

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

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

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

Ms Claire Miles

Environment Protection Authority

(By Delegation)

Date of this edition: 28-September-2017

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## End Notes

|    |                          |                               |
|----|--------------------------|-------------------------------|
| 2  | Licence varied by notice | 1559155 issued on 27-Nov-2017 |
| 3  | Licence varied by notice | 1559546 issued on 08-Dec-2017 |
| 4  | Licence varied by notice | 1560259 issued on 22-Dec-2017 |
| 5  | Licence varied by notice | 1561132 issued on 25-Jan-2018 |
| 6  | Licence varied by notice | 1562663 issued on 09-Mar-2018 |
| 7  | Licence varied by notice | 1563535 issued on 06-Apr-2018 |
| 8  | Licence varied by notice | 1563667 issued on 20-Apr-2018 |
| 9  | Licence varied by notice | 1564051 issued on 01-May-2018 |
| 10 | Licence varied by notice | 1566174 issued on 20-Jun-2018 |
| 11 | Licence varied by notice | 1567155 issued on 19-Jul-2018 |
| 12 | Licence varied by notice | 1567615 issued on 06-Aug-2018 |
| 13 | Licence varied by notice | 1568214 issued on 08-Aug-2018 |
| 14 | Licence varied by notice | 1568701 issued on 30-Aug-2018 |
| 15 | Licence varied by notice | 1569191 issued on 30-Aug-2018 |
| 16 | Licence varied by notice | 1569575 issued on 06-Sep-2018 |
| 17 | Licence varied by notice | 1569758 issued on 25-Sep-2018 |
| 18 | Licence varied by notice | 1570695 issued on 03-Oct-2018 |
| 19 | Licence varied by notice | 1571201 issued on 18-Oct-2018 |
| 20 | Licence varied by notice | 1571469 issued on 24-Oct-2018 |
| 21 | Licence varied by notice | 1571521 issued on 26-Oct-2018 |
| 22 | Licence varied by notice | 1571610 issued on 02-Nov-2018 |
| 23 | Licence varied by notice | 1572205 issued on 13-Nov-2018 |
| 24 | Licence varied by notice | 1572986 issued on 04-Dec-2018 |
| 25 | Licence varied by notice | 1573386 issued on 10-Dec-2018 |
| 26 | Licence varied by notice | 1573552 issued on 12-Dec-2018 |
| 27 | Licence varied by notice | 1574895 issued on 18-Jan-2019 |
| 28 | Licence varied by notice | 1575670 issued on 05-Feb-2019 |

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|    |                          |                               |
|----|--------------------------|-------------------------------|
| 29 | Licence varied by notice | 1575988 issued on 13-Feb-2019 |
| 30 | Licence varied by notice | 1576774 issued on 01-Mar-2019 |
| 31 | Licence varied by notice | 1576888 issued on 04-Mar-2019 |
| 32 | Licence varied by notice | 1577281 issued on 18-Mar-2019 |
| 33 | Licence varied by notice | 1578129 issued on 11-Apr-2019 |
| 34 | Licence varied by notice | 1579637 issued on 16-May-2019 |
| 35 | Licence varied by notice | 1580989 issued on 24-Jun-2019 |