

Environment Protection Licence

Licence - 21295

Licence Details	
Number:	21295
Anniversary Date:	12-September

Licensee
ROADS AND MARITIME SERVICES
LOCKED BAG 928
NORTH SYDNEY NSW 2059

Premises
PROSPECT HIGHWAY
BETWEEN RESERVOIR ROAD, PROSPECT AND ST MARTINS CRESCENT, BLACKTOWN
PROSPECT NSW 2148

Scheduled Activity
Road construction

Fee Based Activity	Scale
Road construction	0-10 km of road constructed, widened or re-routed

Region
Metropolitan Infrastructure
Level 13, 10 Valentine Ave
PARRAMATTA NSW 2150
Phone: (02) 9995 5000
Fax: (02) 9995 6900
PO Box 668
PARRAMATTA NSW 2124

Environment Protection Licence



Licence - 21295

INFORMATION ABOUT THIS LICENCE	4
Dictionary	4
Responsibilities of licensee	4
Variation of licence conditions	4
Duration of licence	4
Licence review	4
Fees and annual return to be sent to the EPA	4
Transfer of licence	5
Public register and access to monitoring data	5
1 ADMINISTRATIVE CONDITIONS	6
A1 What the licence authorises and regulates	6
A2 Premises or plant to which this licence applies	6
A3 Information supplied to the EPA	7
A4 Other administrative conditions	7
2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND	7
P1 Location of monitoring/discharge points and areas	7
3 LIMIT CONDITIONS	8
L1 Pollution of waters	8
L2 Noise limits	8
L3 Hours of operation	8
L4 Potentially offensive odour	12
4 OPERATING CONDITIONS	12
O1 Activities must be carried out in a competent manner	12
O2 Maintenance of plant and equipment	13
O3 Dust	13
O4 Processes and management	13
O5 Waste management	14
O6 Other operating conditions	15
5 MONITORING AND RECORDING CONDITIONS	16
M1 Monitoring records	16
M2 Requirement to monitor concentration of pollutants discharged	16
M3 Weather monitoring	16
M4 Recording of pollution complaints	17
M5 Telephone complaints line	17

Environment Protection Licence

Licence - 21295



M6	Noise monitoring	18
6	REPORTING CONDITIONS	19
R1	Annual return documents	19
R2	Notification of environmental harm	20
R3	Written report	20
R4	Other reporting conditions	21
7	GENERAL CONDITIONS	22
G1	Copy of licence kept at the premises or plant	22
G2	Other general conditions	22
8	SPECIAL CONDITIONS	22
E1	Community Agreements	22
E2	Special Dictionary	25
DICTIONARY		26
	General Dictionary	26

Environment Protection Licence

Licence - 21295



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).

Environment Protection Licence

Licence - 21295



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:

ROADS AND MARITIME SERVICES
LOCKED BAG 928
NORTH SYDNEY NSW 2059

subject to the conditions which follow.

Environment Protection Licence

Licence - 21295

1 Administrative Conditions

A1 What the licence authorises and regulates

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

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

Scheduled Activity	Fee Based Activity	Scale
Road construction	Road construction	0 - 10 km of road constructed, widened or re-routed

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
PROSPECT HIGHWAY
BETWEEN RESERVOIR ROAD, PROSPECT AND ST MARTINS CRESCENT, BLACKTOWN
PROSPECT
NSW 2148
PREMISES MAPS HELD ON EPA FILE EF19/17977.

A2.2 In relation to Condition A2.1, the premise is defined by most recent premises maps held on EPA Electronic File EF19/17977, and approved in writing by the EPA.

A2.3 Premises maps are permitted to be altered through this condition as a result of scheduled land portion handover, land portion surrenders or land portion additions. Any proposed variations to the premises must:

- (a) be submitted to the EPA in electronic format;
- (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.

A2.4 The licensee must display the most recently approved premises maps on the project's website(s) and be accessible by the public no more than 3 business days after approval by the EPA.

Environment Protection Licence

Licence - 21295

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 licensee's protocols supplied to the EPA by the licensee do not form part of this licence.

A4 Other administrative conditions

- A4.1 The licensee must notify the EPA in writing seven business days prior to work and activities commencing at the licenced premises.

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

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

- P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Pipe outflow to stormwater, which ultimately discharging to Blacktown Creek	Pipe outflow to stormwater, which ultimately discharging to Blacktown Creek	West side of Prospect Highway
2	Pipe outflow to stormwater, which ultimately discharging to Blacktown Creek	Pipe outflow to stormwater, which ultimately discharging to Blacktown Creek	East side of Prospect Highway

Environment Protection Licence



Licence - 21295

3	Discharge to surface water, which is directed to Blacktown Creek	Discharge to surface water, which is directed to Blacktown Creek	North side of Great Western Hwy
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P1.3 The sediment basins and discharge points referred to in Condition P1.1 are active basins and discharge points identified in the most recently approved discharge point spreadsheet register stored on the EPA electronic file EF19/17977 and approved in writing by the EPA.

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 Temporary Sediment Basin 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.

Note: The EPA may request a water quality impact statement to be undertaken of the receiving water body for any new discharging point identified by the licensee.

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 Noise limits

L2.1 All works and activities must be undertaken in a manner that will minimise noise and vibration impacts on sensitive receivers. This must include, but is not limited to:

1. implementing further reasonable and feasible noise mitigation measures as may be necessary throughout the period of construction work to minimise exceedances of Noise Management Levels (NML's) at nearby noise sensitive receivers.

L2.2 The licensee must ensure that all feasible and reasonable noise and vibration mitigation and management measures are implemented during construction work authorised by this licence in accordance with the Interim Construction Noise Guideline (DECC, 2009).

L3 Hours of operation

L3.1 Unless permitted by any other condition of this licence, construction works and activities is:
(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.

Environment Protection Licence



Licence - 21295

L3.2 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 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.

Note: For the purposes of this Condition, 'material harm to the environment' has the same meaning as in section 147 of the POEO Act.

L3.3 Other exemption to standard construction hours:

a) The licensee may undertake works outside of standard construction hours if any of the following applies:

i. the relevant road network operator has advised the licensee in writing that carrying out the works and activities during the hours specified in condition L3.1 would result in a high risk to road network operational performance; or

ii. the relevant utility service operator has advised the licensee in writing that carrying out the works and activities during the hours specified in condition L3.1 would result in a high risk to the operation and integrity of the utility network; or

iii. the TfNSW Transport Management Centre (or other road authority) have refused to issue a road occupancy licence during the hours specified in condition L3.1.

b) Any works undertaken under conditions L3.3 (a), the licensee must:

1. Submit to the EPA the request for those works specified in Condition L3.3 (a) to be undertaken outside the standard construction hours specified in Condition L3.1 no less than 5 business days before those works are to be undertaken with the relevant justification;
2. Ensure the respite night periods are maintained when undertaken those works and met the requirement as specified in Condition L3.8; and
3. Ensure a respite period of two nights preceding and following those works are met if those works are undertaken over the weekend.

L3.4 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 L3.1 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 LAmx 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" (DEC, 2006); and

(d) intermittent vibration values greater than those for human exposure to vibration, set out for residences

Environment Protection Licence



Licence - 21295

in Table 2.4 in "Environmental Noise Management - Assessing Vibration: a technical guideline" (DEC, 2006).

Note: For the purposes 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 Noise Policy for Industry" (EPA, 2017) and provided to the EPA prior to carrying out any works or activities under this Condition.

L3.5 High Noise Impact Works

Any high noise impact works and activities must only be undertaken:

- a) Between 0800 – 1800 Monday to Friday;
- b) Between 0800 – 1300 Saturday; and
- c) in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers; except as expressly permitted by another Condition of this licence.

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

L3.6 Works outside of standard construction hours (out-of-hours works trial)

Works may be undertaken outside of standard construction hours (out-of-hours works) for a four week trial period with a start date agreed in writing by the EPA but only if one or more of the following applies:

- a) An initial 4-week trial has not previously been conducted that is representative of the proposed OOHW as assessed in the noise model provided to the EPA; and
- b) carrying on those works and activities during the hours specified in condition L3.1 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
- d) the relevant road network operator has advised the licensee in writing that carrying out the works and activities during the hours specified in condition L3.1 would result in a high risk to road network operational performance; or
- d) the relevant utility service operator has advised the licensee in writing that carrying out the works and activities during the hours specified in condition L3.1 would result in a high risk to the operation and integrity of the utility network; or
- e) the TfNSW Transport Management Centre (or other road authority) have refused to issue a road occupancy licence during the hours specified in condition L3.1.

L3.7 Works outside of standard construction hours - Regulatory Requirements

In undertaking any out-of-hours works under condition L3.6, the licensee must comply with the following:

- a) Prepare a construction noise impact assessment that is to include:
 - i. a description of the proposed out-of-hours works;
 - ii. predictions of LAeq (15 minute) noise levels at noise sensitive receivers from these works and activities, where noise levels are predicted to be greater than those permitted under condition L3.4; and
 - iii. a monitoring plan to validate the noise predictions, based on monitoring at the boundary of representative sensitive receivers during noise generating activities that are representative of the out-of-hours works;
- b) The licensee must submit the construction noise and vibration assessment to the EPA 2 weeks prior to any work commencing at the licensed premises for the duration of the trial period; and

Environment Protection Licence



Licence - 21295

- c) Only undertake activities between the hours of 6:00pm on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and 7:00am the following day;
- d) Ensure that out-of-hours works do not result in noise levels exceeding those specified in condition L3.4 at the same noise sensitive receivers on more than:
 - i. 2 consecutive evenings or nights per week; and
 - ii. 3 evenings or nights per week; and
 - iii. 10 evenings or nights per month.
- e) Where high noise impact activities are undertaken, the respite provisions as per the requirements of condition L3.5(c) do not apply provided that all high noise impact activities are undertaken prior to 11pm where reasonable and feasible.

Note: Related monitoring and reporting requirements are specified in conditions M6.4 and R4.2 respectively.

L3.8 Works outside of standard construction hours - Notification

In undertaking any out-of-hours works under condition L3.6, the licensee must notify potentially affected noise sensitive receivers of works outside of standard construction hours not less than 5 calendar days and not more than 14 calendar days before those works are to be undertaken.

- a) The notification must be:
 - i. Undertaken by letterbox drop or email; and
 - ii. Be detailed on the project website.
- b) The notification required by this Condition must:
 - i. Clearly outline the reason that the work is required to be undertaken outside the hours specified in condition L3.1;
 - ii. Include a diagram that clearly identifies the location of the proposed works in relation to nearby cross streets and local landmarks;
 - iii. Include details of relevant time restrictions that apply to the proposed works;
 - iv. Clearly outline in plain English, the location, nature, scope and duration of the proposed works;
 - v. Detail the expected noise impact of the works on noise sensitive receivers;
 - vi. Clearly state how complaints may be made and additional information obtained; and
 - vii. Include the number of the telephone complaints line required by condition M5.1, an after hours contact phone number specific to the works undertaken outside the hours specified in condition L3.1, and the project website address.

L3.9 Works outside of standard construction hours - Respite Night Coordination

- a. In undertaking any out-of-hours works under condition L3.6, the licensee must not allow out-of-hours works within its project premises to occur on the respite night of any noise sensitive receiver that is likely to be affected by any other works carried out under concurrent construction works by third parties licensed by the EPA.
- b. The licensee must coordinate the timing of out-of-hours works between their works within their project premises and the concurrent construction works undertaken by third parties licensed by the EPA, to achieve respite periods in locations where noise sensitive receivers are likely to be impacted by both works.

Environment Protection Licence



Licence - 21295

L3.10 Out-of-hours works trial validation report

For out-of-hours works permitted under condition L3.6, a validation report must be submitted to the EPA within 14 calendar days of the completion of the trial that includes the following detail:

- a) A copy of the community notification required under condition L3.8;
- b) Noise monitoring as required by condition L3.11;
- c) Details of any exceedances of noise levels predicted in the construction noise impact assessment;
- d) Details of the noise and vibration mitigation measures that were implemented during the out-of-hours works; and
- e) A summary of community complaints received by the project during the trial period.

L3.11 During out-of-hours works undertaken in accordance with condition L3.6, noise monitoring is to be undertaken in accordance with the monitoring plan prepared under condition L3.7 (a).

L3.12 Community Agreements

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.

L3.13 Any agreement(s) between the licensee and noise sensitive receivers referred to in Condition L3.12 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 or the RMS project website for the duration of the agreement (personal details of residents must be omitted); and
- (d) prepared and implemented in accordance with Condition E1.

L4 Potentially offensive odour

L4.1 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.

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

4 Operating Conditions

O1 Activities must be carried out in a competent manner

Environment Protection Licence



Licence - 21295

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 ensure that construction work at the premises is carried on by such practicable means as may be necessary to minimise dust emissions on the premises, and implement all feasible and reasonable mitigation measures to minimise the release of dust from the premises.

O3.2 All trucks carrying dry bulk material that enter and leave the premises must:

- a) have their loads covered at all times, except during unloading and loading; and
- b) prevent spillage of any material from the load that may generate dust during truck unloading and loading events.

Note: For the purposes of this Condition, 'load' is defined as material contained within the body/trailer/bin of the truck, and on the gunnels of the truck.

O4 Processes and management

O4.1 The licensee must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.

O4.2 The licensee must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

O4.3 The drainage from all areas that will mobilise suspended solids when stormwater runs over these areas must be controlled and diverted through appropriate erosion and sediment control measures.

O4.4 The licensee must minimise the area of the site that is able to generate suspended material when water runs over it.

O4.5 All soil erosion and sediment controls must be designed (stability, location, type and size), constructed, operated and maintained in accordance with the guideline "Managing Urban Stormwater – Soils and Construction, Volume 2D, Main road construction" (DECC, 2008), to be read and used in conjunction with volume 1 "Managing urban stormwater: soils and construction" (Landcom, 2004).

These controls are to be implemented before any soil disturbance commences within the construction

Environment Protection Licence



Licence - 21295

catchment (excluding controls themselves) and maintained until disturbed areas are stabilised.

O4.6 The sediment basins must be designed (stability, location, type and size), constructed, operated and maintained in accordance with the guideline "Managing Urban Stormwater – Soils and Construction, Volume 2D, Main road construction" DECC 2008, to be read and used in conjunction with volume 1 "Managing urban stormwater: soils and construction" Landcom 2006.

O4.7 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.

Note: In accordance with the EPA Approved Methods Publication any analysis should be undertaken by a laboratory accredited to perform those analyses by an independent accreditation body acceptable to the EPA, such as the National Association of Testing Authorities (NATA), or equivalent.

O4.8 The licensee must inspect the operation of all erosion and sediment controls installed on the premises and undertake any works required to repair and/or maintain these controls:
a) at least weekly during normal construction hours outlined in condition L3.1;
b) daily during periods of rainfall that causes runoff to occur; and
c) prior to any site closure of greater than 24 hours.

O4.9 In relation to Condition O4.8, the licensee must record all such inspections, including observations and works undertaken to repair and/or maintain soil and water management works.

O4.10 The licensee must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.

O4.11 The licensee must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:
a) the clear identification of each sediment basin and discharge point;
b) the collection of representative samples of the water discharged from the sediment basin(s); and
c) access to the sampling point(s) at all times by an authorised officer of the EPA.

O4.12 Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.

Note: This condition does not apply to those works associated with the actual installation of sediment basins or associated drainage.

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, November 2014, prior to taking the waste off the premises.

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

Environment Protection Licence



Licence - 21295

- (a) Outside the premises to be received at the premises, except for Virgin Excavated Natural Material or recycled materials that meet the EPA's Resource Recovery Exemptions;
- (b) At the premises to be land applied at the premises, except as permitted in Condition O5.3.

O5.3 Excavated material suitable for re-use within the premises, may be transported from one part of the premises to another part of the premises by road in accordance with Condition O5.4.

O5.4 The licensee must ensure that:

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

O5.5 Waste Management Plans

Waste Management Plans must be prepared for all demolition/construction/excavation works undertaken on the premises that generate waste for offsite disposal (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.

O5.6 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.

O5.7 A copy of all waste management plans must be kept on the premises.

O5.8 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.

O6 Other operating conditions

Environment Protection Licence



Licence - 21295

- O6.1 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:
- 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.

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 in P1.2, the licensee must monitor (by sampling and obtaining results by analysis) the concentration of any potential pollutants. The licensee must use the sampling method, units of measure, and sample at special frequency 1.

- M2.2 For the purposes of Conditions M2.1, the term 'Special Frequency 1' means:

- Less than 24 hours prior to controlled discharge and daily for any controlled discharge; and
- 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 Bureau of Meteorology.

Environment Protection Licence



Licence - 21295

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.

M4.5 Daily Complaints Reports

The licensee must submit, by 2.00 pm each business day, a report to the EPA that provides details of all complaints received on the telephone complaints line required by condition M5.1 or through any other means.

The report must:

- a) include –
 - i) a unique identifier number for each complaint,
 - ii) the details required by condition M4.2, and
 - iii) the date and time of the event or incident the subject of the complaint;
- b) the complaints received between 12.00 pm on that day and 12.00 pm on the previous working day; and
- c) be submitted to the email address nominated by the EPA. The licensee is not required to submit a report that would otherwise be required to be submitted on a Saturday, Sunday or public holiday until not later than 2.00 pm on the next following weekday that is not a public holiday. The licensee is not required to submit a report for any daily reporting period during which no complaints were received.
- d) The licensee is required to submit all daily complaints information in a consolidated spreadsheet (template will be provided by the EPA). The spreadsheet is to maintain an active, rolling record of all complaints received by the licensee.

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

Environment Protection Licence



Licence - 21295

complaints line so that the impacted community knows how to make a complaint.

M5.3 The preceding two conditions do not apply until - 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 the licensee. The 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 L3.1

Environment Protection Licence

Licence - 21295



- 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 Noise Policy for Industry (NPfI)*.
- 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.

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.

Environment Protection Licence



Licence - 21295

- 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:
- 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: Notification should be made immediately after the person becomes aware of the environmental harm incident in accordance with the requirements of Part 5.7 of the Act

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:

Environment Protection Licence



Licence - 21295

- 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 In the event of any exceedance of predicted noise 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:

1. Confirmation of whether noise monitoring has been undertaken in accordance with AS2659 and the compliance monitoring guidance provided in the NPfI, October 2017; 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.

R4.2 Noise and Vibration Reports

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

Environment Protection Licence

Licence - 21295



requirements of Condition M5.5.

b) The Preliminary Investigation Report must be submitted to the EPA by 4.30 pm of the afternoon of the next business day following any noise or vibration monitoring.

c) The Preliminary Investigation Report must:

(i) include numerical and/or graphical representation of the noise and vibration monitoring results; and

(ii) highlight any detected exceedance of noise goals or limits specified in:

(1) this licence;

(2) relevant noise guidelines; and

(3) relevant noise modelling.

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

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

1. Clearly identify the location of all sensitive receivers likely to be affected by the activities carried out at the licenced premises including but not limited to:

a) noise or vibration sensitive receivers;

b) nearby water bodies; and

c) other sensitive environmental receptors.

2. Highlight the licence requirements to minimise noise and vibration impacts on noise sensitive receivers.

8 Special Conditions

E1 Community Agreements

E1.1 Requirements for community agreements

Any community agreement to permit works to be undertaken outside of standard construction hours

Environment Protection Licence



Licence - 21295

(OOHW) under Condition L3.6 must:

- (a) be prepared and implemented in accordance with the relevant sections of the "Interim Construction Noise Guidelines" (DEC 2009), the "Noise Policy for Industry" (EPA, 2017) 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 to be explained accurately in clear and simple English to each sensitive receiver based on noise modelling and impacted noise prediction zone;
 - 3. the expected duration of the works;
 - 4. any expected benefits for receivers;
 - 5. any other concurrent OOHW by third parties licensed by the EPA that will be occurring outside the premises; 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 clearly the nature of the works and any predicted impacts;
- (d) examine the community response / agreement rate for each noise impact zone. and
- (e) be kept for the duration of the agreement and made available to an EPA authorised officer on request.

E1.2 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; and
- (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.

E1.3 Agreement Thresholds

- (a) The EPA will consider agreements reached between the licensee and a substantial majority of both:
 - 1. noise sensitive receivers predicted by the licensee to be impacted by noise levels exceeding those specified in Condition L3.4(a) and L3.4(b); and
 - 2. noise sensitive receivers predicted to by the licensee to be impacted by noise levels above a highly noise affected level of 75dB(A).

E1.4 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 E1.1(b)) is to be provided to the EPA with the community agreement for approval;

Environment Protection Licence



Licence - 21295

- (b) the script must include a clear question requesting receiver agreement to the proposal;
- (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.

E1.5 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 licensee's complaints line as required by Condition M5; and
- (c) include details of the EPA's Environment Line.

The notification requirements in Condition L3.8 apply to community agreements.

E1.6 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.

E1.7 If validation monitoring undertaken under Condition E1.6 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.

E1.8 A validation monitoring plan must be submitted to the EPA for approval as part of the community agreement documentation prior to any OOHW occurring.

E1.9 A validation report of the out of hours works must be submitted to the EPA within 7 calendar days after the end of the works permitted by the community agreement, or periodically as requested by the EPA.

The report must include:

1. An outline of the OOHW events that are carried out during this agreement and the respite periods. This must be presented clearly in a table defining the dates of the OOHW shifts and the respite night periods for each work allocation;
2. Topographical map showing the work location for OOHW carried out on each night;
3. A summary of the activities and works are carried out during those works;
4. All the complaints received by the licensee during the works (if any);
5. Evidence that those complaints mentioned in point 1 above were managed in accordance with condition M4.5;
6. Where monitoring was carried out as per condition E1.6, the validation report must show:
 - a. Numerical representation of the noise monitoring results of construction noise levels compared against relevant predicted noise levels at representative noise sensitive receiver locations;
 - b. An analysis of noise levels that exceeded predicted noise levels with relevant justification; and
 - c. A detailed description of proposed modified activities, and reasonable and feasible noise mitigation and management measures to reduce any exceedances of predicted noise levels, or a detailed statement justifying why no further reasonable and feasible noise mitigation and management measures are required.

Environment Protection Licence



Licence - 21295

E2 Special Dictionary

E2.1 Special Dictionary

Term	Meaning
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)
Construction work	Includes all construction work and activities, and all construction-related work and activities, undertaken on the premises
Feasible noise 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
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
Noise Management Level (NML)	Has the same meaning as "Airborne Noise Management Levels" in the Interim Construction Noise Guideline (DECC, 2009)
Noise sensitive receiver	Land uses that are sensitive to noise, such as residential areas, churches, schools and recreation areas
Operating hours	Means hours during which any construction-related works or activities are being undertaken, including outside of standard construction hours
Out of hours works (OOHW)	Means works and activities undertaken outside of standard construction hours
Rating Background Level (RBL)	Has the same meaning as in the Noise Policy for Industry (EPA, 2017)
Reasonable noise measures	Means those feasible noise abatement measures 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
Standard construction hours	means the times specified in condition L4.1

Environment Protection Licence

Licence - 21295

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

Environment Protection Licence



Licence - 21295

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> .

Environment Protection Licence



Licence - 21295

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 Aleksandra Young

Environment Protection Authority

(By Delegation)

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End Notes