

Licence Variation

Licence - 21881



ACCIONA CONSTRUCTION AUSTRALIA PTY LTD
LEVEL 12/60 MILLER STREET
NORTH SYDNEY NSW 2059

Attention: The Proper Officer

Notice Number 1643930
File Number EF24/3647
Date 02-May-2025

NOTICE OF VARIATION OF LICENCE NO. 21881

BACKGROUND

- A. ACCIONA CONSTRUCTION AUSTRALIA PTY LTD ("the licensee") is the holder of Environment Protection Licence No. 21881 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at RAILWAY ST, EMU PLAINS, NSW, 2750 ("the premises").
- B. The Environment Protection Authority (EPA) has received an application for the variation of the licence for two matters:
 - 1. Conversion of the licence from scheduled development to the scheduled activity of concrete works.
 - 2. Extended operating hours to undertake works required for 11kVa energization of the Precast Yard at Western Harbour Tunnel (WHT) Emu Plains Construction Support Site.

Conversion of Licence to Scheduled Activity

- C. The licence currently authorises scheduled development works and activities aimed at enabling planned concrete batching works at the premises for the scheduled activity of concrete works.
- D. On 28 April 2025, the licensee informed the EPA that operation of the concrete batching plant for test batching would commence on 12 May 2025. The licensee subsequently requested for the licence to be converted from a scheduled development licence to the scheduled activity of concrete works.
- E. The licensee will remain subject to various existing conditions related to water, noise, air, and dust management for any works undertaken on the premises, which will also apply to the scheduled activity of concrete works.

Out of Hour Works

- F. On 17 April 2025, the EPA received an application for permission to undertake critical utility works outside of standard construction hours as prescribed under condition L4.1 of the licence. These works are scheduled to take place between Friday, 2 May 2025, and Sunday, 4 May 2025.

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- G. The licensee provided justification for the request, explaining that a relevant utility service operator had advised them in writing that performing the works and activities during standard construction hours would pose a high risk to the operation and integrity of the utility network. Additionally, the licensee noted that conducting the works outside of standard construction hours would reduce risks to construction personnel during the designated power shutdown.
- H. The licensee must comply with various conditions, including implementing noise mitigation measures and observing respite requirements to minimise noise impacts on the nearby community.
- I. In issuing this variation, the EPA has considered s.45 of the Act.

VARIATION OF LICENCE NO. 21881

- 1. By this notice the EPA varies licence No. 21881. 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:
 - Removal of condition A1.1: This condition has been removed as the licence will no longer be classified as a scheduled development licence.
 - Amendment of condition L4.1: The wording has been updated to eliminate the distinction for scheduled development works.
 - Addition of condition L4.6: A new condition permits out-of-hours works for critical utility projects from Friday, 2 May to Sunday, 4 May 2025.

A handwritten signature in black ink, appearing to read 'Ian Sharpe', is positioned above the printed name and title.

Ian Sharpe

Unit Head

Environment Protection Authority

(by Delegation)

INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.

Licence Variation



- 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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Licence Details	
Number:	21881
Anniversary Date:	03-May

Licensee
ACCIONA CONSTRUCTION AUSTRALIA PTY LTD
LEVEL 12/60 MILLER STREET
NORTH SYDNEY NSW 2059

Premises
WHT13 EMU PLAINS
RAILWAY ST
EMU PLAINS NSW 2750

Scheduled Activity
Concrete works
Crushing, grinding or separating

Fee Based Activity	Scale
Concrete works	0-13000 m3 annual production capacity
Crushing, grinding or separating	> 30000-100000 T annual processing capacity

Contact Us
NSW EPA
6 Parramatta Square
10 Darcy Street
PARRAMATTA NSW 2150
Phone: 131 555
Email: info@epa.nsw.gov.au
Locked Bag 5022
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:

ACCIONA CONSTRUCTION AUSTRALIA PTY LTD
LEVEL 12/60 MILLER STREET
NORTH SYDNEY NSW 2059

subject to the conditions which follow.



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1 Administrative Conditions

A1 What the licence authorises and regulates

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

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

Scheduled Activity	Fee Based Activity	Scale
Concrete works	Concrete works	0 - 13000 m3 annual production capacity
Crushing, grinding or separating	Crushing, grinding or separating	> 30000 - 100000 T annual processing capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
WHT13 EMU PLAINS
RAILWAY ST
EMU PLAINS
NSW 2750
PART LOT 130 DP587831, PART LOT 5 DP1148344, PART LOT 980 DP810551, PART LOT 1 DP81402

- A2.2 In relation to Condition A2.1, the premises are defined by the most recent premises map(s) held on EPA Electronic File EF24/3647 and approved in writing by the EPA.
- A2.3 Premises map(s) changes are permitted to be altered through this condition. Any proposed variations to the premises must:
- a) be submitted to the EPA in electronic format for approval;
 - b) be clearly described on a complete map set containing unique identifiers for revision number, map sheet numbers and issue date;
 - c) be submitted to the EPA no less than 10 business days prior to the date of the scheduled land portion handover, land portion surrenders, land portion additions or any other changes;
 - d) be clearly described in writing submitted at the same time as the complete map set;
 - e) be lawful and permitted under the relevant approval; and
 - f) if changes to the nature of works are proposed, the licensee must demonstrate any additional environmental impacts in relation to any changes have been considered and can be managed in an appropriate manner.

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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.

- A3.3 Whenever collecting information from any member of the public, including complaints, a licensee must seek consent from the member of the public for the disclosure of their personal information, and collection by the EPA, or any other NSW government agency.

2 Limit Conditions

L1 Pollution of waters

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

L2 Noise limits

- L2.1 The licensee must minimise noise and vibration impacts at residences and other sensitive land uses. To meet the requirements of this condition the licensee must:
- a) implement the guidance in the Interim Construction Noise Guideline (DEC, 2009) and the Assessing Vibration: a technical guideline (DEC, 2006);
 - b) implement all reasonable and feasible measures to minimise noise impacts in accordance with the Interim Construction Noise Guideline (DEC, 2009); and
 - c) implement vibration mitigation in accordance with the Assessing Vibration: a Technical Guideline (DEC, 2006).
- In this condition, 'reasonable' and 'feasible', in relation to noise management, have the same meaning as defined in the Interim Construction Noise Guideline (DEC, 2009).
- L2.2 When construction activities include 'High Noise Impact Activities and Works' as defined in the special dictionary in this licence, quantitative construction noise assessments must apply a +5dB correction to the measured or predicted level of construction noise at the nearest Noise Sensitive Receiver location before assessment against the Interim Construction Noise Guideline (DECC, 2009) noise management levels.

L3 Blasting

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L3.1 All blasting activities are prohibited on the licensed premises.

L4 Hours of operation

L4.1 Standard construction hours permitted by this licence

Unless permitted by another condition of this licence, works and activities must:

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

L4.2 High Noise Impact Activities and Works

Unless permitted by another condition of this licence, any High Noise Impact Activities and Works that exceed the applicable Noise Management Level (NML) at a Noise Sensitive Receiver must only be undertaken:

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

Note: For the purposes of this condition 'continuous' includes any period where there is a less than 1-hour respite between ceasing and recommencing of any work that is subject to this condition.

L4.3 Exemptions to standard construction hours in exceptional circumstances

a) The licensee may undertake works and activities outside of standard construction hours specified in condition L5.1 for:

- i. emergency works required to avoid the loss of life or property, or to prevent material harm to the environment; and
- ii. the delivery of oversized plant, structures or materials 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 works under this condition notify the EPA's Environment Line as soon as practicable and submit a report to the EPA by 4:00 pm on the next business day after the emergency works commenced that describes:

- i. the cause, time and duration of the emergency;
- ii. action taken by or on behalf of the licensee in relation to the emergency; and
- iii. 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 purposes of this condition, 'material harm to the environment' has the same meaning as in section 147 of the POEO Act.

Emergency works do not require a notification under condition L5.5.

L4.4 Exemptions to standard construction hours for low noise impact works

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Works and activities may be carried on outside of standard construction hours specified in condition L5.1 if the works and activities do not cause, when assessed 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;
- b) L_Amax noise levels greater than 15dB above the night RBL for night works;
- c) the preferred continuous or impulsive vibration values greater than those for human exposure to vibration, set out for residences in Table 2.2 in Assessing Vibration: a technical guideline (DEC, 2006); and
- d) the preferred intermittent vibration values greater than those for human exposure to vibration, set out for residences in Table 2.4 in Assessing Vibration: a technical guideline (DEC, 2006).

For the purposes of this condition, the RBLs are those contained in an environmental assessment for the activities 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 Noise Policy for Industry (EPA, 2017) and provided to the EPA prior to carrying out any works or activities under this condition.

The notification requirements under condition L5.5 do not apply to this condition.

L4.5 All crushing, grinding or separating activities at the premises must only be carried out in the hours specified in condition L4.1.

L4.6 Activities are permitted to be undertaken outside of standard construction hours prescribed in licence condition L4.3 and L4.4 between 6pm Friday 2 May 2025 to Sunday 8am 4 May 2025 for 11kVa energisation of the Precast Yard at the Western Harbour Tunnel Emu Plains Construction Support Site.

Provided that the licensee:

- a) Implements all reasonable and feasible noise mitigation measures as per the relevant application document titled 'WHTP2-ACOC-WHT-EV-GE01-APL-000009', dated 16 April 2025, held on EPA file EF24/3647.
- b) Undertakes any High Noise Impact Works (HNIW) before 12:00am (midnight) where reasonable and feasible. Where HNIW are undertaken after 12:00am (midnight), the respite provisions in condition L4.2(c) apply.
- c) Undertakes attended noise monitoring and submits a validation report to the EPA no later than COB on 9 May 2025, which includes the following:
 - i. results from noise monitoring undertaken at the boundary of representative Noise Sensitive Receivers;
 - ii. a description and photos of noise mitigation measures implemented for each works package undertaken outside of standard construction hours
- d) Complies with the conditions of EPL 21881, unless otherwise permitted by condition L4.6.

L5 Potentially offensive odour

L5.1 No condition in 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

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emitted in accordance with the conditions of a licence directed at minimising odour.

3 Operating Conditions

O1 Activities must be carried out in a competent manner

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

This includes:

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

O2 Maintenance of plant and equipment

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

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

O2.2 All erosion and sediment control measures installed on the premises are considered as 'plant and equipment' for the purpose of complying with condition O2.1 of this licence.

O3 Dust

O3.1 All activities occurring at the premises must be carried out in a manner that will minimise the generation and prevent the emission of air pollution from the premises as much as is reasonably practicable.

O3.2 The premises must be maintained in a condition which minimises the generation and prevents the emission of air pollution from the premises as much as is reasonably practicable.

O3.3 The licensee must implement all reasonable and feasible measures to demonstrate compliance with condition O3.1 and O3.2.

O3.4 Trucks leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

O4 Processes and management

O4.1 The licensee must implement all feasible and reasonable erosion and sediment controls as may be necessary throughout the life of works and activities to minimise sediment leaving the premises.

O4.2 The licensee must ensure erosion and sediment controls are designed, constructed, operated and maintained consistent with the principle and practices of industry best practice, including:

- a) Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition (Landcom, 2004);
- b) Best Practice Erosion and Sediment Control (IECA 2008); and
- c) other industry best practice documents if it can demonstrate the guidance will provide improved or

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equivalent outcomes for the environment and meet the requirements of condition L1.1 of this licence.

- O4.3 The licensee must ensure that all vehicles, motorised plant and equipment leaving the premises do not deposit mud, soil, sand, gravel and any other materials onto public roads.

O5 Waste management

- O5.1 The licensee must prepare and provide to the EPA a Construction Waste Management Plan (CWMP) for each stage of the project or where due to project variables the CWMP requires updating. The CWMP must be provided prior to the commencement of each stage of the project and include (at a minimum):
- a) the waste types and likely or estimated quantities for each waste type to be generated on the premises;
 - b) details of the proposed sampling, testing and other methods to be used to characterise and classify waste to be generated on the premises for waste management and transport purposes;
 - c) anticipated or known waste classification and characterisation of waste in accordance with the Waste Classification Guidelines Part 1: Classifying waste (EPA, 2014);
 - d) details of how and where the waste is anticipated to be reused, recycled, stored or disposed of;
 - e) the proposed location(s) for all waste anticipated to be stored at the premises;
 - f) the proposed methods and frequencies for conducting compliance checks under condition O5.4; and
 - g) the licensee must consider the guidance in Construction and demolition waste: a management toolkit (EPA, 2019) when preparing and implementing the CWMP.

Note: the requirements of this condition may be addressed in another plan or document provided to the EPA and referenced in the CWMP to satisfy the requirements of this condition.

- O5.2 The licensee must keep detailed records of waste generated, received or removed from the premises that includes (at a minimum):
- a) details of all waste transporters and the addresses and facility/business names of destination location(s) for all waste generated and transported off the premises for any purpose (including recycling, reuse, processing, treatment and disposal);
 - b) documented evidence (such as a licence) from each place of disposal that they can lawfully receive and manage (store, process, reuse, dispose) the types of waste proposed to be transported there;
 - c) the location(s) for all waste stored at the premises;
 - d) details of all waste received on the premises or transported off the premises that is subject to a Resource Recovery Order and/or Exemption under the Protection of the Environment Operations (Waste) Regulation 2014, and demonstration that the waste meets the requirements of the Order and/or Exemption;
 - e) legible copies of all documents/records evidencing that all waste transported from the premises was taken to and received at a facility/premises that lawfully accept and process the waste as intended;
 - f) keep legible copies of any waste tracking documentation required for the offsite transport of the waste to demonstrate the waste was tracked in accordance with NSW legislation;
 - g) comparisons showing the proposed waste quantities and waste types documented in the CWMP against the actual waste quantities and waste types; and
 - h) comparisons showing intended reuse, recycling or disposal locations documented in the CWMP against actual reuse, recycling and disposal locations.
- O5.3 The CWMP must be implemented for the duration of licensed activities, and a copy of the current CWMP, historic versions of the CWMP and all records required by condition O5.2 must be kept on the premises for the duration of the licence and provided to an EPA officer upon request.

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- O5.4** The licensee must conduct compliance checks pursuant to the compliance check frequencies provided in the CWMP. The compliance checks must be conducted while licenced waste activities are being undertaken to ensure that all waste is being managed, transported, reused, recycled or disposed in a lawful manner. The compliance checks must take the form of one or more of the following:
- a) desktop investigations, such as:
 - i. contacting reuse, recycling or disposal facilities directly;
 - ii. reviewing waste disposal dockets and waste transport tracking documentation and requirements;
 - iii. reviewing waste characterisation and classification information;
 - iv. reviewing exemption requirements against particular loads of waste;
 - v. reviewing environment protection licences, authorisations or approvals of facilities that receive waste generated by the project); or
 - b) site inspections to non-licenced reuse, recycling or disposal locations; or
 - c) any other method agreed in writing by the EPA.
- All compliance checks conducted under this condition must be recorded and provided to an authorised officer upon request.
- O5.5** The licensee must not cause, permit or allow any waste generated outside the licensed premises to be received at the licensed premises, except:
- a) virgin excavated natural material;
 - b) as expressly permitted by a condition of this licence; or
 - c) a resource recovery order and/or resource recovery exemption under the Protection of the Environment Operations (Waste) Regulation 2014.

4 Monitoring and Recording Conditions

M1 Monitoring records

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

M2 Environmental monitoring

- M2.1** All noise and vibration monitoring for the purposes of determining compliance with the conditions of this

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licence must be undertaken by a Competent Person as defined in the special dictionary of this licence.

- M2.2** All noise monitoring for the purposes of determining compliance with the conditions of this licence must consider and be generally undertaken in accordance with;
- (a) Australian Standard AS 1055: 2018 Acoustics - Description and measurement of environmental noise; and
 - (b) the compliance monitoring guidance provided in the chapter 7 'Monitoring Performance' of the Noise Policy for Industry (EPA, 2017).
- M2.3** All vibration monitoring must be:
- a) undertaken in accordance with the technical guidance provided in the Assessing Vibration: a technical guideline (DEC, 2006); and
 - b) assessed and reported against the acceptable and maximum values of human exposure to vibration set out in Tables 2.2 and 2.4 of this guideline.
- M2.4** The licensee must undertake noise and vibration monitoring as directed by an authorised officer of the EPA. Where the monitoring is requested to take place on private land (for example a residential property) the licensee must request permission to access the premises in advance and keep a record of permission requests and responses. If a licensee is unable to obtain permission, the licensee must undertake the monitoring at an indicative location where possible and they must provide the response (including any nil response) to the EPA.

M3 Weather monitoring

- M3.1** The licensee must monitor and record temperature, wind direction, wind velocity and rainfall at either the project weather station, or through analysis of equivalent weather information obtained from the Australian Bureau of Meteorology. Monitoring must:
- a) be representative of the premises;
 - b) commence prior to any works that may cause sediment to leave the premises; and
 - c) continue to be operated until soil disturbance activities cease at the premises and the site has been stabilised.
- The rainfall monitoring data collected in compliance with this condition can be used to determine compliance with condition L2.5.

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;

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- 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 3 May 2024 on the date of the issue of this licence.

M5.4 The licensee must ensure that the community complaints line and community notification required by conditions M7.1, M7.2 and M7.5 is undertaken at least 14 calendar days prior to commencement of licensed activities.

M5.5 For the purposes of condition M7.1, the telephone complaints line may be operated by a third-party provider. The licensee must have staff available to respond to complaints during hours when works are occurring.

M5.6 Unless otherwise undertaken by the project proponent, the licensee must undertake the following community notification activities:

- a) include on the project website or other relevant website information on:
 - i. the nature, location and estimated construction time of the works;
 - ii. what works are expected to exceed Interim Construction Noise Guideline (DECC, 2009) noise management levels and the noise control measures to be implemented;
 - iii. how members of the public can make a complaint on the telephone complaints line and online;
 - iv. the after hours contact telephone number for any out of hours works permitted by this licence; and
 - v. how the complaints will be processed;
- b) public notices in local newspapers, including community language newspapers including the information required by part a) of this condition;
- c) clear signage at the boundary of each worksite that contains both the telephone complaints line number and the project website details;
- d) ongoing additional community notification must be undertaken if:
 - i. new sensitive receivers are affected by noise, vibration or other construction impacts; or
 - ii. the details notified to the community in accordance with this condition materially change.

M5.7 Noise and Vibration Complaints

- a) the licensee must commence investigation of 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

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complainant.

b) the licensee must offer to the complainant to undertake attended noise or vibration monitoring at their premises if:

i. any investigation referred to in this condition identifies works or activities being undertaken on the licensed premises as the likely source of the complaint; and

ii. the licensee is not in possession of noise monitoring data representative of the complainants location and of the subject works and activities being undertaken on the licensed premises.

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.

d) The licensee must, in respect of each complaint made, advise each complainant of the results of its investigation of their complaint and any proposed remedial action within a reasonable period of time.

5 Reporting Conditions

R1 Annual return documents

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

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 notification that the Annual Return is due.

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

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

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

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

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

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

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- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.
- R1.5 The Annual Return for the reporting period must be supplied to the EPA 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.
- R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.

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.

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

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- aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R4 Other reporting conditions

R4.1 Daily Complaints Reports

- a) The licensee must submit by 4:00 pm each business day a report to the EPA that provides details of all complaints relating to activities regulated by this licence received on the telephone complaints line required by Condition M7.1 or through any other means.
- b) The report must be:
 - i. provided in a format approved in writing by the EPA;
 - ii. submitted to the email address nominated by the EPA; and
 - iii. include the complaints received in the previous 24 hours to 12pm;
- c) The licensee is not required to submit a report:
 - i. for any reporting period during which no complaints have been received;
 - ii. that would otherwise be required to be submitted on a Saturday, Sunday or public holiday. It must instead be submitted not later than 4:00pm on the next business day.

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 M4.4.
- b) The Preliminary Investigation Report must be submitted to the EPA by 4:00 pm on the afternoon of the next working day following any noise or vibration monitoring or other time as agreed in writing by EPA.
- c) The Preliminary Investigation Report must include:
 - i. numerical and/or graphical representation of the noise and vibration monitoring results including both ambient noise levels and the level of noise from activities on the premises only; and
 - ii. the noise levels reported using the following noise descriptors: LAeq,T; LAF90,T; and LAFmax,T (T representing the 15 minute measurement period unless an alternative period is justified); and
 - iii. an assessment of measured construction noise and vibration levels against noise limits or noise management levels specified in this licence, requirements in the project specific Construction Noise and Vibration Plan and/or Impact Statement prepared the activities, relevant noise modelling and any relevant noise guidelines.

R4.3 In the event of any exceedance of the Best Achievable Noise Performance Objectives identified in the project specific Construction Noise and Vibration Plan and/or Impact Statement ("the plans") prepared for the activities, the licensee must:

- a) investigate the cause of the exceedance and identify whether all feasible and reasonable noise and vibration mitigation measures identified in the plans have been effectively deployed;
- b) identify any noise and vibration measures recommended in the plans that were not effectively deployed;

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- c) assess appropriate remedial actions to seek to achieve the best achievable noise performance objectives;
- d) submit a Follow-Up Investigation Report to the EPA within 5 business days (unless agreed in writing by the EPA) of any noise or vibration monitoring having been undertaken that detected the exceedance; and
- e) include the following information in the Follow-Up Investigation Report:
 - i. confirmation of whether noise monitoring has been undertaken in accordance with AS1055:2018 and the compliance monitoring guidance provided in the Interim Construction Noise Guideline (DECC, 2009);
 - ii. confirmation of whether vibration monitoring has been undertaken in accordance with the guidance provided in Assessing Vibration: a technical guideline (DEC, 2006);
 - iii. details of the prevailing meteorological conditions during the period when the monitoring was undertaken;
 - iv. a map of each noise and vibration monitoring location in relation to the noise source, including relevant distances;
 - v. numerical and graphical representation of the noise and vibration monitoring results;
 - vi. an analysis of the noise and vibration monitoring results;
 - vii. details of any remedial action taken in relation to the matter; and
 - viii. in cases not the subject of remedial action, detailed justification of the decision not to undertake remedial action.

- R4.4** The licensee must record all inspections of erosion and sediment control measures installed on the premises, including observations and works undertaken to repair and maintain these measures, and provide these records to an authorised officer upon request.

6 General Conditions

G1 Copy of licence kept at the premises or plant

- G1.1** A copy of this licence must be kept at the premises to which the licence applies.

Note: The requirements outlined in this condition only come into force when works and activities commence at the licensed premises.

- 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 Contact number for incidents and responsible employees

- G2.1** The licensee must provide the EPA with, and maintain, up to date contact details to enable the EPA:
- a) To contact either the licensee or a representative of the licensee who can respond at all times to incidents relating to the premises, and
 - b) To contact the licensee's senior employees or agents authorised at all times to;
 - i. speak on behalf of the licensee, and
 - ii. provide any information or document required under licence.



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G3 Other general conditions

G3.1 Environmental Induction

- a) The licensee must ensure all personnel and contractors involved in undertaking any activity subject to this licence that has the potential to impact Noise Sensitive Receivers have received environmental induction training relevant to their role prior to undertaking that activity; and
- b) The induction training must:
 - i. clearly identify the location of all noise sensitive receivers likely to be affected by noise or vibration generated during the course of the work undertaken by those personnel; and
 - ii. highlight the licence requirements to minimise noise and vibration impacts on Noise Sensitive Receivers.

7 Pollution Studies and Reduction Programs

U1 Site Water Balance

- U1.1 a) Prior to commencing installation of the hardstand, the Licensee must engage a suitably qualified professional to prepare a site water balance assessment, which:
 - i. presents water modelling results for a range of scenarios representing the key stages of the development from the current pre-development scenario, through to the completed hardstand;
 - ii. is informed by any existing flow monitoring data for the site;
 - iii. details all model inputs (e.g. daily rainfall and evaporation based on a suitable long-term climate dataset) and assumptions (e.g. run-off coefficients for each surface type, water reuse rates and storage capacity at each stage of development);
 - iv. quantifies water inputs (e.g. rainfall runoff, potable), transfers (e.g. between storages) and losses (e.g. evaporation, infiltration, off-site discharges); and
 - v. examines changes to the frequency and volume of discharges from the premises to the adjacent Boral site through the different stages of the development.
- b) The site water balance assessment must be provided to the EPA at least 4 weeks prior to the commencement of the hardstand installation.

Note: the assessment required by condition U1.1 may be provided to the EPA progressively prior to the sealing of each stage or in a cumulative assessment inclusive of all the staged hardstand, provided the 4-week minimum requirement in condition U1.1(b) is complied with.

8 Special Conditions

E1 Special Dictionary

E1.1 Special Dictionary

Term	Meaning
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Best Achievable Noise Performance Objectives	The construction noise level predicted at a receiver location after all feasible and reasonable noise mitigation measures have been incorporated into the prediction model and considered in deriving the predicted noise level
Community Affected Catchment	means the combined group of all noise sensitive receivers who are either: a) predicted by the licensee to be impacted by noise levels exceeding those specified in Condition L5.3a) and L5.3b); or b) predicted by the licensee to be impacted by noise levels above a highly noise affected level of 75dB(A).
Competent Person - for the purpose of noise monitoring, must satisfy one or more of the following:	<ul style="list-style-type: none"> • Have qualifications and/or experience sufficient to fulfil the requirements of 'member' grade of the Australian Acoustical Society • Undertake duties of an acoustic consultant on behalf of a firm that is a member of the Association of Australasian Acoustical Consultants • Have a recognised tertiary qualification in a discipline pertinent to acoustics • Be able to demonstrate competence through professional experience and/or technical expertise to the satisfaction of the EPA
Construction Noise and Vibration Impact Assessment is a document or suite of documents that:	Describe the construction activities proposed; identifies the potential impacts of those activities on the community; the measures that will be used to reduce impacts on the affected community; how the community will be informed and engaged; and, how noise impacts will be monitored and enforced. They are often referred to as Noise and Vibration Management Plans, Construction Noise and Vibration Impact Statements, Construction Method Statements, Work Method Statements and the like.
High Noise Impact Activities and Works means construction works which exceed the applicable NML at sensitive receiver locations and are:	<ul style="list-style-type: none"> • Identified as particularly annoying in section 4.5 of the ICNG; and/or, • Works identified as 'Highly Noise Intensive Works' in a planning approval for the activities in this licence; and/or • Any other activity identified by the EPA, and advised to the licensee, following an assessment of the character of the noise emitted by the activity based on the Noise Policy for Industry, Fact Sheet C considerations (EPA, 2017).
Interim Construction Noise Guidelines (ICNG)	Interim Construction Noise Guidelines (DECC, July 2009)
In Writing	documents are to be submitted electronically unless otherwise requested by EPA. Documents required to be kept on the premises may be soft copy or hard copy.
Noise Management Level (NML)	has the same meaning as "Airborne Noise Management Levels" in the Interim Construction Noise Guideline (DECC 2009)



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Noise sensitive receiver	Land uses that are sensitive to noise, including residences and other sensitive land uses detailed in Table 3 of the Interim Construction Noise Guideline (DECC 2009)
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 (OOHWs)	means hours outside standard construction hours as set out in L5.1.
Rating Background Level (RBL)	the same meaning as in the Interim Construction Noise Guideline (DECC 2009)
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.
Resource Recovery Order and/or Exemption	As described under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014
Respite Period	Respite periods can be any combination of days or hours where out-of-hours work would not be more than 5 dB(A) above the rating background noise level at any residence.
Relevant Road Network Operator	means the local, state or Commonwealth government department responsible for the operational performance of the relevant road/s where activities are occurring.



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Dictionary

General Dictionary

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

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



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TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Ms Aleksandra Young

Environment Protection Authority

(By Delegation)

Date of this edition: 03-May-2024

End Notes		
2	Licence varied by notice	1642231 issued on 18-Sep-2024