

# Licence Variation

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Licence - 11147

DUNMORE SAND & SOIL PTY LIMITED  
ABN 62 003 497 229  
PO BOX 6041  
NORTH RYDE NSW 2113

Attention: Mr Greg Johnson

Notice Number      1628799  
File Number        EF13/2891  
Date                 23-Jun-2023

## NOTICE OF VARIATION OF LICENCE 11147

### BACKGROUND

- A. DUNMORE SAND & SOIL PTY LIMITED (DSS) holds Environment Protection Licence No. 11147 (Licence) issued under the *Protection of the Environment Operations Act 1997* (Act). The Licence authorises the carrying out of activities at TABBITA ROAD, DUNMORE, NSW, 2529 (Premises).
- B. On 7 November 2022 the EPA issued Licence Variation No. 1616983 (Variation) in relation to the Licence. The Variation included a Pollution Reduction Program (PRP) at Condition U1 requiring a Dredge Pond Discharge Report (Report) be provided to the EPA by 30 January 2023..
- C. The PRP required an investigation of pollutant discharges from the Stage 2 pond to assist the review of licence conditions for discharges to water from the Premises. At the time, the EPA also made observations regarding water discharges from the Premises and advised of possible PRP outcomes, including licence conditions.
- D. On 30 January 2023 the EPA received the Report in compliance with Condition U1 of the Licence. The EPA has reviewed the Report and has varied the Licence as outlined below.
- E. On 18 May 2023 the EPA provided DSS with a draft version of the Licence for review and comment.
- F. On 2 June 2023 the EPA received an email from DSS in response to the draft licence variation. As a result, EPA officers met with DSS representatives on 20 June 2023. Following that meeting, the EPA received a further email in response to the draft licence variation.
- G. Whilst varying the Licence, the EPA has taken into consideration several matters as required by Section 45 and Section 58 of the Act.

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## VARIATION OF LICENCE 11147

1. By this notice the EPA varies licence 11147. 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:
  - Condition A2.2, containing a map for the Premises, has been varied to include an updated version of the Premises Map, dated May 2023 to:
    - reflect the relocation of discharge and monitoring point "EPA identification no. 9";
    - reflect the removal of discharge and monitoring point "EPA identification no. 10";
    - reflect the removal of monitoring points "EPA identification no. 11", "EPA identification no. 12" and "EPA identification no. 13"
  - Condition P1.1, containing a table identifying points for the monitoring and/or setting of limits for the emission of pollutants to the air has been varied to amend the location descriptions for "EPA identification no. 2", "EPA identification no. 4", "EPA identification no. 7" and "EPA identification no. 8" to refer to the new Premises Map
  - Condition P1.3, containing a table identifying points for the monitoring and/or setting of limits for discharges of pollutants to water has been varied to:
    - remove discharge and monitoring points "EPA identification no. 10", "EPA identification no. 11", "EPA identification no. 12" and "EPA identification no. 13"; and
    - amend the location description for discharge and monitoring point "EPA identification no. 9" to reflect its new position and refer to the new Premises Map
  - Condition P1.4, containing a table identifying points for the monitoring of weather parameters, has been varied to amend the location description for monitoring point "EPA identification no. 14" to refer to the new Premises Map
  - Condition L2 and related sub conditions relating to Concentration limits have been added to, in part, include concentration limits for pH and Total Suspended Solids for "EPA identification no. 9", consistent with the Consent
  - Condition L3 has been varied to include previous L2 conditions and sub conditions relating to Waste
  - Condition L4 has been varied to include previous L3 conditions and sub conditions relating to Noise
  - Condition L5 has been varied to include previous L4 conditions and sub conditions relating to Hours of operation
  - Condition L6 has been added to include previous L5 conditions and sub conditions relating to Potentially offensive odour
  - Condition M2.3, containing a table conditioning the parameters for water monitoring has been varied to:

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- remove discharge and monitoring points "EPA identification no. 10", "EPA identification no. 11", "EPA identification no. 12" and "EPA identification no. 13"; and
- amend the note defining Special Frequency 1
- Condition M4.1, containing a table conditioning the parameters for weather monitoring at "EPA identification no. 14", has been varied to remove the averaging period for rainfall monitoring
- Condition G2.1, containing a table identifying completed programs has been amended to contain the completed PRP relating to the Dredge Pond Discharge Report (Report)
- Previous Condition U1 has been marked as completed and a new PRP has been added at Condition U1 assessing discharges to water that require regulation under the Licence.

.....  
**Lara Barrington**  
**Unit Head Regulatory Operations**  
**Environment Protection Authority**  
(by Delegation)

## INFORMATION ABOUT THIS NOTICE

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

## Appeals against this decision

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

## When this notice begins to operate

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

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# Environment Protection Licence

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## Licence Details

Number:	11147
Anniversary Date:	01-July

## Licensee

DUNMORE SAND & SOIL PTY LIMITED  
 PO BOX 6041  
 NORTH RYDE NSW 2113

## Premises

DUNMORE LAKES SAND QUARRY  
 TABBITA ROAD  
 DUNMORE NSW 2529

## Scheduled Activity

Crushing, grinding or separating  
 Extractive activities  
 Resource recovery

## Fee Based Activity

## Scale

Crushing, grinding or separating	> 100000-500000 T annual processing capacity
Extractive activities	> 100000-500000 T annually extracted or processed
Recovery of general waste	Any general waste recovered

## Contact Us

NSW EPA  
 6 Parramatta Square  
 10 Darcy Street  
 PARRAMATTA NSW 2150  
 Phone: 131 555  
 Email: [info@epa.nsw.gov.au](mailto: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:

<b>DUNMORE SAND &amp; SOIL PTY LIMITED</b>
<b>PO BOX 6041</b>
<b>NORTH RYDE NSW 2113</b>

subject to the conditions which follow.

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## 1 Administrative Conditions

### A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled 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
Crushing, grinding or separating	Crushing, grinding or separating	> 100000 - 500000 T annual processing capacity
Extractive activities	Extractive activities	> 100000 - 500000 T annually extracted or processed
Resource recovery	Recovery of general waste	Any general waste recovered

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

A2.1 The licence applies to the following premises:

Premises Details
DUNMORE LAKES SAND QUARRY
TABBITA ROAD
DUNMORE
NSW 2529
LOT 1 DP 213575, PART LOT 6 DP 611159, PART LOT 6 DP 1001931, PART LOT 51 DP 1012246, LOT 4 DP 1030504, PART LOT 5 DP 1030504, PART LOT 501 DP 1174897
INCLUDING TABBITA ROAD

A2.2 The premises location is shown on the map below.

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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.

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

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

## A4 Other administrative conditions

### A4.1 PREMISES STAGING

The stages referred to in this licences are shown in Figure 2.2 (Air Quality Monitoring Locations), page 2 – 18 of the Dunmore Sand & Soil report titled "Dunmore Lakes Sand Project Environmental Management Plan incorporating an Environmental Monitoring Program" December 2005.

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

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

- P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
2	Dust Monitoring		Old Peterborough School House, Swamp Road Dunmore labelled "EPL2" on the map titled "Dunmore Lakes Sand Project EPL 11147 Premises Map", dated May 2023 and filed as DOC23/432211 and displayed in licence condition A2.2.
4	Dust Monitoring		Creagan Residence, Swamp Road Dunmore labelled "EPL4" on the map titled "Dunmore Lakes Sand Project EPL 11147 Premises Map", dated May 2023 and filed as DOC23/432211 and displayed in licence condition A2.2.
7	Dust Monitoring		Renton Residence labelled "EPL7" on the map titled "Dunmore Lakes Sand Project EPL 11147 Premises Map", dated May 2023 and filed as DOC23/432211 and displayed in licence condition A2.2.
8	Dust Monitoring		Toward Dunmore Village - labelled "EPL8" on the map titled "Dunmore Lakes Sand Project EPL 11147 Premises Map", dated May 2023 and filed as DOC23/432211 and displayed in licence condition A2.2.

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P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

P1.3 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
9	Discharge Quality Monitoring	Discharge Quality Monitoring	Area of valved pipes at Stage 2 pond labelled "EPL9" on the map titled "Dunmore Lakes Sand Project EPL 11147 Premises Map", dated May 2023 and filed as DOC23/432211 and displayed in licence condition A2.2.

P1.4 The following point(s) in the table are identified in this licence for the purpose of the monitoring of weather parameters at the point.

EPA identification no.	Type of Monitoring Point	Description of Location
14	Weather Analysis	Weather station located on the southern side of the quarry and labelled "EPL14" on the map titled "Dunmore Lakes Sand Project EPL 11147 Premises Map", dated May 2023 and filed as DOC23/432211 and displayed in licence condition A2.2.

## 3 Limit Conditions

### L1 Pollution of waters

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

### L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the



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specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

L2.4 Water and/or Land Concentration Limits

## POINT 9

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
pH	pH				6.6 - 8.6
Total suspended solids	milligrams per litre				50

## L3 Waste

L3.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Virgin excavated natural material	As defined in Scheduled 1 of the Protection of the Environment Act 1997.	Waste disposal (application to land) Resource recovery	VENM imported for waste disposal (application to land) must only be used for the purposes of void reclamation as per Development Consent DA 195-8-2004 MOD 3.  The licensee must not process and/or blend

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more than 120,000 tonnes of VENM per annum for the purposes of resource recovery.

The licensee must comply with condition E2 of this licence.

- L3.2 All fines separated from dredged sand must be placed below the permanent water table within 12 hours of processing the dredged sand.
- L3.3 The authorised amount of waste permitted on the premises cannot exceed 120,000 tonnes at any time.
- L3.4 The height of any stockpile of imported waste must not exceed eight (8) metres.
- L3.5 The licensee must install and maintain a stockpile height marker at the area where imported waste will be stored.

## L4 Noise limits

- L4.1 Noise from the premises must not exceed the following limits:

Location	Shoulder dB(A) LAeq(15 min)	Day dB(A) LAeq(15 min)	Evening dB(A) LAeq(15 min)	Night dB(A) LAeq(15 min)
Renton	46	46	43	37
Dunmore Village	47	49	44	41
Stocker	47	49	44	38
Riverside Dr	43	47	43	38
Allawah PI	48	48	43	38

Note: The night time noise limit for Dunmore Village was determined on the basis of predicted noise levels that would be attained after a noise reduction of 8 dB(A) for the loader and/or loading area.

Note: Location Riverside Dr is representative of Receivers R4 - R10 as referred to in Appendix 3 of Consent DA 195-8-2004 Mod 2.

Location Allawah PI is representative of Receivers R11 - R18 as referred to in Appendix 3 of Consent DA 195-8-2004 Mod 2

- L4.2 For the purposes of condition L4.1:
- Shoulder is the period 6am to 7am Monday to Saturday
  - Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6 pm Sundays and Public holidays,
  - Evening is defined as the period from 6pm to 10pm

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- Night is defined as the period from 10pm to 6am.

- L4.3 Noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary to determine compliance with the LAeq(15 minute) noise limit in this condition.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy must also be applied to the measured noise levels where applicable.

- L4.4 The noise emission limits identified in this condition apply under meteorological conditions of:
- wind speeds up to 3 m/s at 10metres above the ground level; or
  - temperature inversions conditions of up to 6oC/100m and wind speeds up to 2m/s at 10 metres above ground level.

## L5 Hours of operation

- L5.1 All activities at the premises except inaudible maintenance may only be carried out in accordance with the following table.

Activity	Hours of Operation - Monday to Friday	Hours of Operation - Saturday	Hours of Operation - Sunday and Public Holidays
Excavator extraction of sand and/or soil	0630 - 1800	0630 - 1800	Nil
Sand dredging and processing	0600 - 1800	0600 - 1800	0800 - 1600
Delivery and distribution	0500 - 2400	0600 - 1800	0800 - 1600
Delivery and distribution (Stage 5 via Riverside Dr)	0700 - 2200	0700 - 1800	0800 - 1600

- L5.2 The above condition does not apply to the delivery of material if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible or within a reasonable period in the case of emergency.
- L5.3 The hours of operation specified may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

## L6 Potentially offensive odour

- L6.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

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.



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- L6.2 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.

## 4 Operating Conditions

### O1 Activities must be carried out in a competent manner

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

This includes:

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

### O2 Maintenance of plant and equipment

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

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

### O3 Dust

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

- O3.2 All sealed and unsealed trafficable areas must be maintained, at all times, in a condition which effectively minimises the emission of wind-blown or traffic-generated dust.

- O3.3 All stockpiles and handling areas must be maintained, at all times, in a condition which effectively minimises wind blown and traffic generated dust.

### O4 Processes and management

- O4.1 WASTEWATER TREATMENT

The on-site wastewater treatment system must comply with the requirements of the Environment and Health Protection Guidelines – On-site Sewage Management for Single Households; January 1998.

### O5 Other operating conditions

- O5.1 TRUCK WASH

All vehicles must pass through the truck wash facility prior to leaving the premises.

- O5.2 STORMWATER/SEDIMENT CONTROL - CONSTRUCTION AND OPERATIONAL PHASES

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- O5.3 Any pond subject to dredging, or containing turbid water due to recent dredging, must be maintained and operated to prevent discharges of any water from these ponds.
- O5.4 Backfilling of the dredge ponds must not take place when they are overflowing.
- O5.5 The fines return pond(s) must be bunded to an elevation that prevents inundation by floodwaters caused in a 1:100 year flood level.
- Note: The predicted 1:100 year flood level for the site is 3.7 m AHD.
- O5.6 TRIBUTARY INTEGRITY - WESTERN, NORTHERN AND EASTERN TRIBUTARIES (STAGE 2)
- O5.7 The integrity of the Western and Northern Tributaries must be maintained at least until the Stage 2 Lake is sufficiently large that the surface water from the tributaries can enter the lake without any adverse downstream impacts.
- O5.8 The integrity of the Western Tributary exit and entry channels from the Stage 2 Lake must be maintained until permanent stable channels are created and revegetated to maintain flows through Stage 2 and minimise downstream impacts.
- O5.9 The licensee must not undertake extraction within 3m of the bank of the Eastern Tributary. Batter slopes from this extraction must be no steeper than 1:3 (v:h).
- O5.10 TRIBUTARY INTEGRITY - ROCKLOW CREEK (STAGE 3)
- O5.11 Prior to the commencement of extraction in Sub-Stage 3C1, the applicant must have completed the permanent realignment of Rocklow Creek and the realignment must be stable.
- O5.12 Sand must not be extracted within a distance of 3 metres from the bank of the realigned Rocklow Creek. The dredge pond adjacent to the realigned creek must have at least a 1:2 (v:h) batter from the 3 metre set back.

## 5 Monitoring and Recording Conditions

### M1 Monitoring records

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

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

## M2 Requirement to monitor concentration of pollutants discharged

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

### M2.2 Air Monitoring Requirements

#### POINT 2

Pollutant	Units of measure	Frequency	Sampling Method
Ash	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016
Combustible solids	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016
Insoluble solids	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016

#### POINT 4

Pollutant	Units of measure	Frequency	Sampling Method
Ash	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016
Combustible solids	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016
Insoluble solids	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016

#### POINT 7

Pollutant	Units of measure	Frequency	Sampling Method
Ash	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016
Combustible solids	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016
Insoluble solids	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016

#### POINT 8

Pollutant	Units of measure	Frequency	Sampling Method
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Ash	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016
Combustible solids	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016
Insoluble solids	grams per square metre per month	Monthly	AS/NZS 3580.10.1:2016

## M2.3 Water and/ or Land Monitoring Requirements

### POINT 9

Pollutant	Units of measure	Frequency	Sampling Method
pH	pH	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample
Turbidity	nephelometric turbidity units	Special Frequency 1	Grab sample

Note: For the purposes of Condition M2.3, "Special Frequency 1" means daily during discharge

Note: In the event that the above monitoring location become inaccessible due to site flooding, the associated monitoring requirements may be delayed until the affected location becomes safely accessible. In the event site flooding prevents monitoring the licensee must notify the Environment Protection Authority.

## M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2022* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

# Environment Protection Licence

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## M4 Weather monitoring

M4.1 For each monitoring point specified in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

POINT 14

Parameter	Units of Measure	Frequency	Sampling Method
Rainfall	mm	Continuous	AS 3580.14

## M5 Recording of pollution complaints

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

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

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

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

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

## M6 Telephone complaints line

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

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

M6.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

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## M7 Other monitoring and recording conditions

### M7.1 NOISE COMPLIANCE ASSESSMENT

A noise compliance assessment must be undertaken by a suitably qualified acoustical consultant. The noise compliance assessment must include, but need not be limited to a comparison of actual operational noise levels from the premises with the noise limits specified in this licence. The noise assessment must include but not necessarily be limited to the potentially most affected residential receiver.

Note: The noise assessment report applies to compliance with noise limits during extraction of production sand.

## 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 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.

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

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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.

## R1.8 REPORTING OF ENVIRONMENTAL MONITORING DATA

Tabular and listed data must be supported by graphical and statistical presentation of the data including comparison with relevant limits or goals. Monitoring data collected in previous years must be incorporated into the report so that trends in environmental monitoring data can be determined.

### DUST DEPOSITION

For dust deposition monitoring, graphical presentation of the data for insoluble solids for the reporting period as well as preceding years (where such data exists) must be provided. This graph must include a data trendline and a line showing the EPA Impact Assessment Criteria as detailed in the EPA publication "Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales".

### WATER QUALITY

For water quality monitoring, graphical presentation of the data for all pollutants required by this licence for the reporting period as well as preceding years (where such data exists) must be provided. This graph must include a comparison with the limit conditions specified in these licence conditions and with Aquatic Ecosystem Protection Physical, Chemical and Toxicant Trigger Values described in Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000). The Australian and New Zealand Guidelines for Fresh and Marine Water Quality is available at: <http://www.deh.gov.au/water/quality/nwqms/volume1.html>

### POTENTIAL ACID SULPHATE SOILS

The results of all monitoring required under condition E1.7 and E1.8 must be submitted to the EPA in the annual return.

A graph showing pH of the water at the monitoring frequency specified in Condition E1.8 for each year must be included in the annual return. The format should show the pond water pH trend over the life of the licence.

A graph showing quarterly pH in the up and down gradient groundwaters at the monitoring frequency specified in Condition E1.9 must be provided in a format that shows the groundwater pH trend over the life of the licence.

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## R2 Notification of environmental harm

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.

R2.1 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.

## R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

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

## 7 General Conditions

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

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



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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 Completed Programs

Program	Description	Completed Date
PRP 1 - Noise Management Plan	PRP 1 - Noise Management Plan - further reduction of noise levels at the most affected residential premises. Ongoing program to progressively identify and reduce significant noise emissions from the premises.(+)	30-December-2011
Investigation of discharge to waters - Stage 2-4	Investigation of pollutant discharges from Stage 2 dredge pond to assist in the review of licence conditions for discharges to water from the premises.	30-January-2023

## 8 Pollution Studies and Reduction Programs

### U1 Monitoring and assessment of discharge to waters - Stage 2 pond

U1.1 The Licensee must undertake monitoring at monitoring point EPA identification no. 9 for the water pollutants identified in a schedule agreed to in writing with the EPA prior to the commencement of the water monitoring program.

U1.2 The Licensee must engage a suitably qualified person(s) to prepare a written report. The report must include but not be limited to:

a. the frequency and volume of water discharges at monitoring point EPA identification no. 9;

b. the rainfall events that are likely to result in:

i. discharges via the valved pipes at the Stage 2 pond;

ii. overflows from the Stage 2 pond; and

iii. inability to access the discharge location to undertake monitoring

c. water monitoring results for water discharges at monitoring point EPA identification no. 9 identified in the schedule;

d. an assessment of the water pollutants present in discharges at monitoring point EPA identification no. 9. The assessment should identify those pollutants that may pose a risk of non-trivial harm to human health and

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the environment;

e. recommendations for the regulation of water discharges at monitoring point EPA identification no. 9 in the Licence. This must include but not be limited to:

- i. water pollutants to be monitored, discharge limits and reporting requirements;
- ii. water discharge volume and frequency requirements; and
- iii. Stage 2 pond freeboard for proper and efficient water management

U1.3 Written updates on the preparation of the report and water quality monitoring undertaken under this PRP must be provided to the EPA by:

- a. 19 October 2023 (4 months from issue of variation)
- b. 15 February 2024 (8 months from issue of variation)

U1.4 A written report must be provided to the EPA by 21 June 2024 (12 months from issue of variation)

Note: Guidance on the regulation of water pollution can be found on the NSW EPA website. This includes the EPA Licensing Factsheet "Using environment protection licensing to control water pollution".

U1.5 The written progress and final report must be made publicly available on the website that relates to the business or activity subject to the Licence, being <https://www.boral.com.au/locations/boral-dunmore-operations>

Note: This requirement is to ensure the community has access to relevant and meaningful information about pollution.

## 9 Special Conditions

### E1 Disposal of Potential Acid Sulphate Soils (PASS) under Water

- E1.1 Soil that has been assessed by a Certified Practicing Soil Scientist (CPSS) in accordance with the ASSMAC guidelines and determined to be PASS and which satisfies all of the requirements for classification as VENM, except that it contains sulfidic soils, and which is disposed of under water according to this licence, may be classified as VENM in accordance with part (b) of the definition of VENM in the Appendix to Schedule 1 to the POEO Act 1997.
- E1.2 The facility must receive documentation for each truck load of PASS received at the premises (see reporting conditions) that demonstrates that the excavation of PASS and its transport and handling was conducted in accordance with the NSW Acid Sulfate Soil Manual (Acid Sulfate Soil Management Advisory Committee, August 1998) to prevent the generation of acid.
- E1.3 PASS must be disposed of at least 1 metre below the permanent water table level at the premises.

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E1.4 Any PASS received at the premises must be placed below the water table within 24 hours of the time of its excavation at the originating site.

E1.5 Any PASS which has dried out, undergone any oxidation of sulfidic minerals or which has a pH of less than 5.5 must not be disposed-of at this premises.

E1.6 The pH of the PASS immediately prior to under-water disposal must be not less than 5.5.

The pH of the water into which the PASS is placed must not be less than 6.5 at any time.

If the pH of the water falls below 6.5 the licensee must not receive any more PASS at the premises until approval to continue is received in writing from the EPA.

E1.7 The pH of each load of the PASS must be tested at the disposal site immediately prior to its placement under water using the test method referred to in NSW Acid Sulfate Soil Manual (Method 21A and/or Method 21Af).

E1.8 The pH of the water into which the PASS is placed must be monitored using the sampling method, unit of measure, and sampling frequency, specified in the table below:

Pollutant	Unit of Measure	Frequency	Sampling Method
pH	pH	Special Frequency 2	Grab Sample

Note: Special Frequency 2 is daily during the PASS placement into water and thereafter daily during operational hours for a period of one month from the date the last load of PASS was placed underwater. The pH of the water must be monitored weekly at all other times.

E1.9 The Licensee must monitor the pH of up and down gradient groundwaters at the premises at least once per every 3 months and for a minimum of 1 year after the last load of PASS has been disposed-of.

If the pH of the water falls below 6.5 the licensee must notify the EPA in writing as soon as practicable and within 24 hours.

E1.10 The licensee must retain certain documentation for each truck load of PASS received at the site which indicates:

- i. the details of the originating site (name, address, owner & developer, contact details);
- ii. the details of the transporter (name, address, contact details, vehicle registration);
- iii. date and time of the extraction of the PASS;
- iv. pH of the PASS at the time of its extraction, and at the time immediately prior to its placement underwater; and
- v. the name of the person (certified practicing soil scientist) who assessed the material and classified it as PASS.

The documentation must be retained by the licensee for four years from the date of receipt of the PASS

E1.11 Waste other than VENM must not be deposited in the water.

## E2 VENM Management

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- E2.1 The licensee must prepare a “VENM” Verification Procedure” and ensure the Authority is provided with an up to date version of the Procedure.

The “VENM Verification Procedure” prepared must be used for all material assessed as VENM.

The licensee must retain a copy of all assessments made using the “VENM Verification Procedure”.

- E2.2 Backfilling of the voids created by sand dredging with VENM must be undertaken in a manner, and with material of suitable physical characteristics, so that it does not change the direction or rate of groundwater flow from the site to Rocklow Creek.

## E3 Financial Assurance

- E3.1 A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as ‘Authorised Deposit-taking Institutions’ under the *Banking Act 1959* of the Commonwealth of Australia and supervised by the Australian Prudential Regulatory Authority (APRA) must be provided to the EPA. The financial assurance must be in favour of the EPA in the amount of five hundred thousand dollars (\$500,000). The financial assurance is required to secure or guarantee funding for works or programs required by or under this licence .
- E3.2 The licensee must provide to the EPA, along with the original counterpart guarantee, confirmation in writing that the financial institution providing the guarantee is subject to supervision by the Australian Prudential Regulatory Authority (APRA).
- E3.3 The financial assurance must be maintained during the operation of the facility and thereafter until such time as the EPA is satisfied the premises is environmentally secure.
- E3.4 The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder.
- E3.5 The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.
- E3.6 The licensee must provide to the EPA the original counterpart guarantee within five working days of the issue of the financial assurance required by condition E3.1.
- E3.7 The EPA may claim on a financial assurance under s303 of the POEO Act if a licensee fails to carry out any work or program required to comply with the conditions of this licence.

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## Dictionary

### General Dictionary

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

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

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

Mr Trevor Jones

Environment Protection Authority

(By Delegation)

Date of this edition: 05-October-2000

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## End Notes

- 1 Licence varied by notice 1033699, issued on 04-May-2004, which came into effect on 29-May-2004.
- 2 Licence varied by notice 1041632, issued on 17-Feb-2005, which came into effect on 14-Mar-2005.
- 3 Licence varied by notice 1054794, issued on 03-Apr-2006, which came into effect on 28-Apr-2006.
- 4 Licence varied by notice 1078049, issued on 13-Sep-2007, which came into effect on 13-Sep-2007.
- 5 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 6 Licence varied by notice 1119818, issued on 21-Oct-2010, which came into effect on 21-Oct-2010.
- 7 Licence varied by notice 1126580, issued on 04-Apr-2011, which came into effect on 04-Apr-2011.
- 8 Licence varied by notice 1127770, issued on 29-Apr-2011, which came into effect on 29-Apr-2011.
- 9 Licence varied by notice 1502498 issued on 03-Nov-2011
- 10 Licence varied by notice 1502870 issued on 15-May-2012
- 11 Licence varied by notice 1544813 issued on 26-Sep-2016
- 12 Licence varied by notice 1587767 issued on 17-Dec-2019
- 13 Licence varied by notice 1593187 issued on 13-May-2020
- 14 Licence varied by notice 1599468 issued on 17-Jun-2021
- 15 Licence fee period changed by notice 1609836 on 21-Jun-2021
- 16 Licence varied by notice 1610725 issued on 19-Nov-2021
- 17 Licence varied by notice 1616983 issued on 07-Nov-2022