

Licence Variation

Licence - 13181



Office of
Environment
& Heritage

NEWCASTLE PORT CORPORATION

ABN 50 825 884 846

PO BOX 663

NEWCASTLE NSW 2300

Attention: Mr Colin Rae

Notice Number 1504050
File Number LIC09/1049
Date 19-Mar-2012

NOTICE OF VARIATION OF LICENCE NO. 13181

BACKGROUND

- A. NEWCASTLE PORT CORPORATION ("the licensee") is the holder of Environment Protection Licence No. 13181 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at OFF SELWYN STREET, MAYFIELD NORTH, NSW, 2304 ("the premises").
- B. The premises handles a variety of bulk cargo including containerised cargo, urea, ammonium nitrate and other dangerous goods.
- C. On 7 December 2011 the licensee wrote to the EPA providing a submission that the LA90 descriptor applied to the noise limits under licence was inconsistent with the guidance provided in the EPA's Industrial Noise Policy. The EPA concurs that the LA90 descriptor is not appropriate for the setting of noise limits as a condition of the licence and undertaking of noise compliance monitoring.
- D. The EPA has not received any complaints in respect of noise from the premises.
- E. On 15 December 2011 the licensee wrote to the EPA providing information regarding work undertaken in response to the Stormwater Management System Upgrade under as a requirement of the Pollution Reduction Program ("PRP") under condition U1.1.
- F. On 12 March 2012, the EPA received, from the licensee, an application to vary the licence to relocate surface water monitoring point "4".

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VARIATION OF LICENCE NO. 13181

1. By this notice the EPA varies licence No. 13181. 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 the conditions relating to noise limits under condition L4.
 - Addition of standard dust minimisation and emergency response plan conditions under conditions O3.1 and O4.1 respectively in consideration of the various cargo handled at the premises.
 - Removal of condition M4.1 which required the undertaking of a noise compliance assessment and provision a report.
 - Addition of a completed PRP table under condition G2.1.
 - Removal of the completed Stormwater Management System Upgrade PRP under condition U1.
 - The relocation of surface water monitoring point "4" by removing the point with EPA Identification No. 2 and replacing it with EPA Identification No. 9. All limit and monitoring requirements remain the same at the relocated point.
3. Once the variation is in effect, you should download an updated copy of your licence and revised annual return from: <http://www.environment.nsw.gov.au/prpoeo/index.htm>.

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Hamish Rutherford
Acting Unit Head
North East - Hunter
(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.environment.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

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- 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).