

15 September 2022

Ms Jessie Evans
Director Resource Assessments
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2124

Attention: Carl Dumpleton

Dear Jessie

Re: Bass Point Quarry (PA 08_0143 Mod 3) – Request for Information

The following presents a response to matters raised in the Department's Request for Information letter dated 28 June 2022 in relation to the proposed Modification 3 to Project Approval 08_0143 to:

- recognise the existing and proposed locations of amenity barriers within the Bass Point Quarry (the Quarry); and
- incorporate within PA 08_0143 the importation of Virgin Excavated Natural Material (VENM) and other materials permitted by an Environment Protection Licence (EPL), where an applicable Resource Recovery Order and Exemption¹ is in place and which allows the material to be received for application to land.

Following the virtual meeting held on 10 August 2022 with officers of the Department of Planning and Environment (DPE) and the Environment Protection Authority (EPA), Hanson has reviewed its approval and licencing requirements and how the importation of material and its application to land would be managed. Each of the matters raised in the Request for Information are addressed below. In addition, we have presented a further clarification of Hanson's intended use of the materials through application to land that will assist in justifying the responses to the matters raised in the Request for Information.

It is expected that the following response will also address the outstanding matters raised by the EPA and Shellharbour City Council (Council).

Further Clarification

Hanson wish to make clear that they are not seeking to profit from waste disposal at the Quarry or use the Quarry as a waste facility. The purpose and intended use of the material is for application to land to construct amenity barriers or for use in the progressive rehabilitation of the Quarry. This is considered a beneficial re-use of the imported materials given that the alternative is for the material to be disposed in a landfill. The approach is consistent with the *NSW Circular Economy Policy Statement Too Good To Waste February 2019*². Material may be received from a variety of sources between the Kiama region and the Greater Sydney Metropolitan Area but is most likely to be sourced locally in the Shellharbour region. It is appreciated that the material is classified as waste, however, by ensuring it satisfies the definition of VENM or is a material that is subject to an applicable

¹ Issued in accordance with Clauses 91 and 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* (or its latest amendment).

² See <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/response-to-china-national-sword/circular-economy-policy>

Resource Recovery Order and Exemption, the material would not be subject to the same administrative protocols as apply at a waste facility.

The Resource Recovery Orders and Exemptions may include the current general orders and exemptions issued by the EPA³ or specific orders and exemptions that have been applied for by Hanson or by a third party supplying the material⁴. These orders and exemptions may be specific to the Quarry land or to the material being supplied. EPL 2193 for the Quarry would specify the materials that may be imported and the Resource Recovery Order and Exemption that applies for that material.

It is requested that the modified conditions of PA 08_0143 permit the following.

- The importation of waste materials recognising the intended use of the material for application to land in barrier construction and rehabilitation.
- The importation of material that is VENM or material that is subject to a Resource Recovery Order and Exemption (applied through EPL 2193) that is consistent with the approved use.
- A maximum of 200,000tpa of material to be imported each year.

A variation to EPL 2193 would be sought following an approval of the proposed modification to PA 08_0143 to recognise the intended importation of materials and the conditions for its regulation by the EPA. At this time Hanson only intend to import material classified as VENM or that is classified as ENM and would be imported in accordance with *The excavated natural material exemption 2014*. However, should it be required in the future, a further variation to EPL 2193 would be sought to recognise any site-specific order and exemption.

Southern Amenity Barrier

1. *Regarding the unapproved southern amenity barrier both areas under rehabilitation and areas to be constructed:*
 - a) *It is unclear from the information provided what function/utility this structure provides in relation to reducing noise and visual impacts of quarrying operations. Please justify and quantify the purpose of the structure in reducing the visual and noise impacts created by quarry operations.*

It is noted that the Council comments on the development application dated 21 June 2022 state the following in relation to the existing and proposed amenity barriers.

Council acknowledges the role of retaining the existing amenity barriers to preventing [sic] views of the approved operations on site. [sic] and to prevent views from the surrounding residential areas to the north and west and from Bass Point Reserve.

The proposed amenity barriers are supported to prevent views from locations within Minnamurra and Killalea Beach (and approach).

The function and utility of the visual amenity barriers in relation to visual and noise impacts relate to the physical interruption of possible views towards the Quarry and noise propagation from operating equipment within the Quarry. It is noted that the Bass Point Quarry Project was approved on the basis

³ See <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework/current-orders-and-exemption>

⁴ The application process is described here <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework/apply-for-an-order-and-exemption>

of the existing layout and therefore the changes to the impact upon surrounding visual amenity and the possible noise generated by the current operations are considered acceptable. However, the addition of material to the existing southern barrier and the proposed extension to the east would provide additional mitigation. In addition, the views towards the Quarry from the south would benefit from a more irregular pattern in the landscape that may improve the outlook for some people. It is acknowledged that the change to the landscape and the mitigation of possible impacts would be minor compared to current mitigations that are applied at the Quarry. However, it is considered that there would be genuine benefits as a result of the process.

2. *Regarding the unapproved southern amenity barrier both areas under rehabilitation and areas to be constructed: ...*

- b) *Please demonstrate that the material that is already on site is not classified as waste under the Protection of the Environment Operations (Waste) Regulation 2014. This needs to include verification through either laboratory testing or appropriate documentation and approvals.*

The material that has previously been applied to barriers at the Quarry Site was placed in accordance with the EPL that applies to the Shellharbour Marina. Specifically, on 31 July 2019 Coastwide Civil requested a variation to EPL 12426 to increase the premises boundary to include the parts of the Bass Point Quarry relating to the placement of material in the “Southern Landscape Mound”. Variation notice 1583291, which provides notice of the variation to EPL 12426, is provided as **Attachment 1**. This variation was approved on 9 August 2019 and the premises location within the licence was updated accordingly to show the land where the materials were emplaced (see page 7 of the licence, as varied under notice 1583291).

It is important to note that the transfer of material occurred between the approval date for the EPL variation and November 2019 and therefore involved the transfer of material within the licensed premises. The material was not processed or subject to any other activity that would have altered its nature. It is noted that upon completion of the nominated earthworks the premises map for EPL 12426 was subsequently varied to remove the Bass Point Quarry land. Variation notice 1609417, which provides notice of the variation to EPL 12426 made on 7 June 2021, is provided as **Attachment 2**. Based on these notices and the status of EPL 12426 at the time, it is considered that the necessary approvals were in place for the placement of material in the Southern Amenity Barrier.

3. *Regarding the unapproved southern amenity barrier both areas under rehabilitation and areas to be constructed: ...*

- c) *It is unclear how the material (existing and proposed) within the barrier would be incorporated into the progressive rehabilitation of the quarry. The proposed modification includes the importation of material to assist the rehabilitation of the final landform. However, the figures provided to date only show the creation of a large emplacement/barrier.*

The material that would be used to construct visual amenity barriers would not be re-used for rehabilitation of the Quarry. The material imported to the Quarry Site would either be applied to land in visual amenity barriers or would be applied in rehabilitation activities within the Quarry Site. The Landscape Management Plan for the Quarry includes an indicative final landform plan which includes a large waterbody surrounded by and partially split by areas of native vegetation (see **Figure A**). The material imported to the Quarry Site for use in rehabilitation would be applied as subsoil or a growth medium (should it be suitable for this purpose). The material would supplement existing stockpiles

of topsoil and subsoil material. Overburden material and material previously imported for barrier construction has been successfully used for rehabilitation as is evident on the existing barriers in the north of the Quarry Site.

4. *Regarding the unapproved southern amenity barrier both areas under rehabilitation and areas to be constructed: ...*
 - d) *Please include a comparative assessment of the approved and the proposed final landform for the quarry. In particular,*
 - i) *the increased height of final landform within the quarry using appropriate figures with contours; and*
 - ii) *an analysis of the imported range of recovery order/exemption (RRO/E) materials interaction with groundwater.*

Figure B presents a comparison of the existing landform and that proposed for the Southern Barrier under the proposed modification. The increase in height of the landform varies from 1m to 5m from the existing landform.

No material would be placed at an elevation that is below sea level (0m AHD) as this elevation is the predicted equilibrium lake level. Therefore, material will not rest below the water level and interact with groundwater. It is not possible to analyse the interaction with groundwater due to infiltration, though the volume of water that enters the groundwater setting above 0m AHD is expected to be minimal given the nature of the granite material being extracted. Hanson also does not have samples available of the materials that would be imported in the future. This notwithstanding, the relevant Resource and Recovery Orders and Exemptions outline testing, management and documentation requirements, all of which is auditable by EPA under the *Protection of the Environment Operations (POEO) Act 1997* and, with appropriate wording in the conditions of PA 08_0143, can be auditable through the independent audit process. The Resource Recovery Orders provide quality assurance in material characterisation to ensure it is fit for purpose, satisfies the EPA requirements for pollution control and, most importantly, is not contaminated. Therefore, assuming that the relevant requirements of the Resource and Recovery Orders and Exemptions were satisfied, the characteristics of the material would be suitable for placement in locations that may interact with water.

Material Quantities

5. *Please clearly detail the total quantity of each material that you seek approval to import per calendar year.*

Hanson is seeking to import a maximum of 200,000 tonnes per annum (tpa) of materials subject to the conditions described above. It is not possible to nominate the quantity of each type of material other than to state that it may be up to 200,000tpa of any material approved for import under the modified conditions of PA 08_0143 and under EPL 2193.

Statutory Context

6. *Please undertake a consideration of the permissibility of the proposed importation of each RRO/E material under the Local Planning Instruments and the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 for each type of material with a RRO/E you seek approval to utilise.*

The existing operation is approved as an extractive industry which includes approval for the construction of amenity barriers and progressive and final rehabilitation of the land. It is noted that the land on which the Quarry is located is predominantly zoned for Environmental Management (C3) within the *Shellharbour Local Environment Plan 2013*. Within this zone, environmental protection works are permissible with consent, which includes rehabilitation. The construction of additional amenity barriers is an extension of the approved amenity mitigation measures (and is supported by Council). The proposed modification does not seek to change the ongoing use of the land but only specifies how those works would be achieved. As a result of the application of provisions relating to VENM and the Resource Recovery Order and Exemption relating to ENM, or other wastes as specified in a site-specific Resource Recovery Order and Exemption, the use of the land is not considered waste disposal. There would be no change to the scheduled activities currently listed within EPL 2193.

Clause 2.45 of the *State Environmental Planning Policy (Resources and Energy) 2021* provides the following provision in relation to the use of land for receipt and disposal of waste where the land is the subject of use for the purpose of mining, petroleum production or extractive industry.

2.45 Receipt and Disposal of Waste

Nothing in this Chapter makes permissible (with or without consent) the use of land for the receipt or disposal of waste brought on to the land from other land, even if that use is or may be ancillary or incidental to development that is permissible under this Chapter.

Note— For example, this Chapter does not make it permissible to dispose of off-site waste on the site of an extractive industry that is permissible under this Chapter even if the disposal is for the purposes of rehabilitation of the site.

It is noted that this clause refers to the ‘use’ of land for receipt and disposal of waste. The proposed beneficial use of materials that would be provided for by the provisions relating to VENM and the Resource Recovery Order and Exemption relating to ENM, or other wastes as specified in a site-specific Resource Recovery Order and Exemption is not considered waste disposal and therefore this clause does not apply.

The use of all material imported to the Quarry Site would need to be consistent with the requirements of development consent under the *Environmental Planning and Assessment Act 1979* for the use of the land and the requirement to satisfy a Resource Recovery Exemption issued in accordance with Clauses 91 and 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

Resource Recovery Framework

7. *Please provide an assessment and justification of each RRO/E material you seek approval to utilise in the construction of the emplacement/amenity barriers. In your assessment of each material, please describe and justify that the re-use:*
 - a) *is genuine, rather than a means of disposal,*
 - b) *is beneficial and/or aligns with the purpose described in the RRO/E, and*
 - c) *will not cause a harmful impact to local amenity or the environment.*

It is acknowledged that the EPA website describes that the application of a Resource Recovery Orders and Exemptions is only appropriate if the re-use satisfies the above requirements⁵.

⁵ See <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework>

As described above, the importation of materials would involve VENM or any material the subject of a Resource and Recovery Exemption that provides for the material to be applied to land. The intended re-use for barrier construction that would result in a net positive amenity outcome and rehabilitation of the Quarry Site is considered to provide a genuine beneficial re-use of the material as opposed to the alternative disposal at a landfill facility. It is noted that although Hanson has requested a limit of 200,000tpa be placed on the activity, the proposed uses are inherently self-limiting. That is, the amenity barriers may only hold a certain volume of material (estimated to be in the order of 900,000t) and the rehabilitation of the Quarry will be progressive and limited to terminal benches during the life of the Quarry.

Following an approval for the proposed modification, Hanson would seek a variation to EPL 2193 to recognise the intended importation of VENM as well as ENM that would be imported in accordance with *The excavated natural material exemption 2014*. Should the importation of material satisfy the definition of ENM and the purpose specified in *The excavated natural material exemption 2014*, it is considered beneficial and fit for purpose. *The excavated natural material exemption 2014* applies to ENM that is, or is intended to be, applied to land as engineering fill or for use in earthworks. ENM is defined in the exemption as:

...naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:

- a) been excavated from the ground, and*
- b) contains at least 98% (by weight) natural material, and*
- c) does not meet the definition of Virgin Excavated Natural Material in the Act.*

Excavated natural material does not include material located in a hotspot; that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

Any material other than VENM or ENM that may be imported in the future would need to be beneficial and satisfy the conditions of the relevant Resource Recovery Exemption that applies to the material.

By ensuring that the materials that are imported are classified as VENM or satisfy a Resource and Recovery Exemption (such as *The excavated natural material exemption 2014*) it is considered that the application of that material to land would not cause harm to human health, local amenity or the environment. In fact, the beneficial re-use of the material would have an overall benefit to the Shellharbour Region and the State of NSW consistent with the objective to encourage a circular economy by re-using material that otherwise would take up space in a landfill. The use of material in rehabilitation would also assist Hanson to meet its rehabilitation objectives and completion criteria as specified in the Bass Point Quarry Landscape Management Plan.

Please contact myself or Belinda Pignone of Hanson with any further queries on these matters.

Yours sincerely



Nicholas Warren

Principal Environmental Consultant

Encls: Figure A - Indicative Final Landform
Figure B – Landform Comparison

Attachment 1 - EPL 12426 Variation Notice 1583291
Attachment 2 - EPL 12426 Variation Notice 1609417





Plan Scale

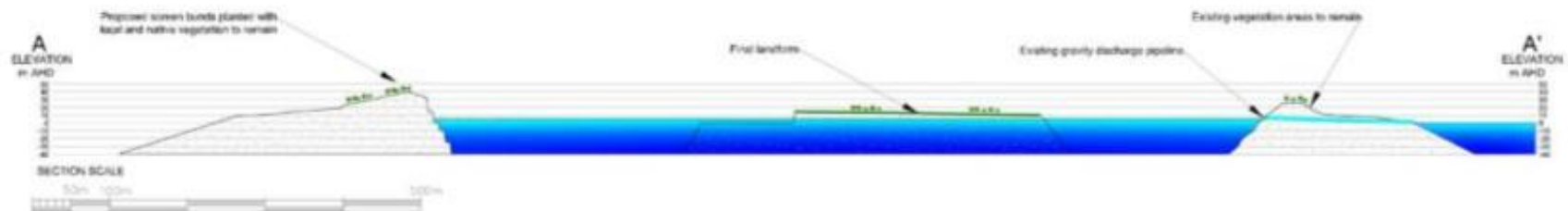
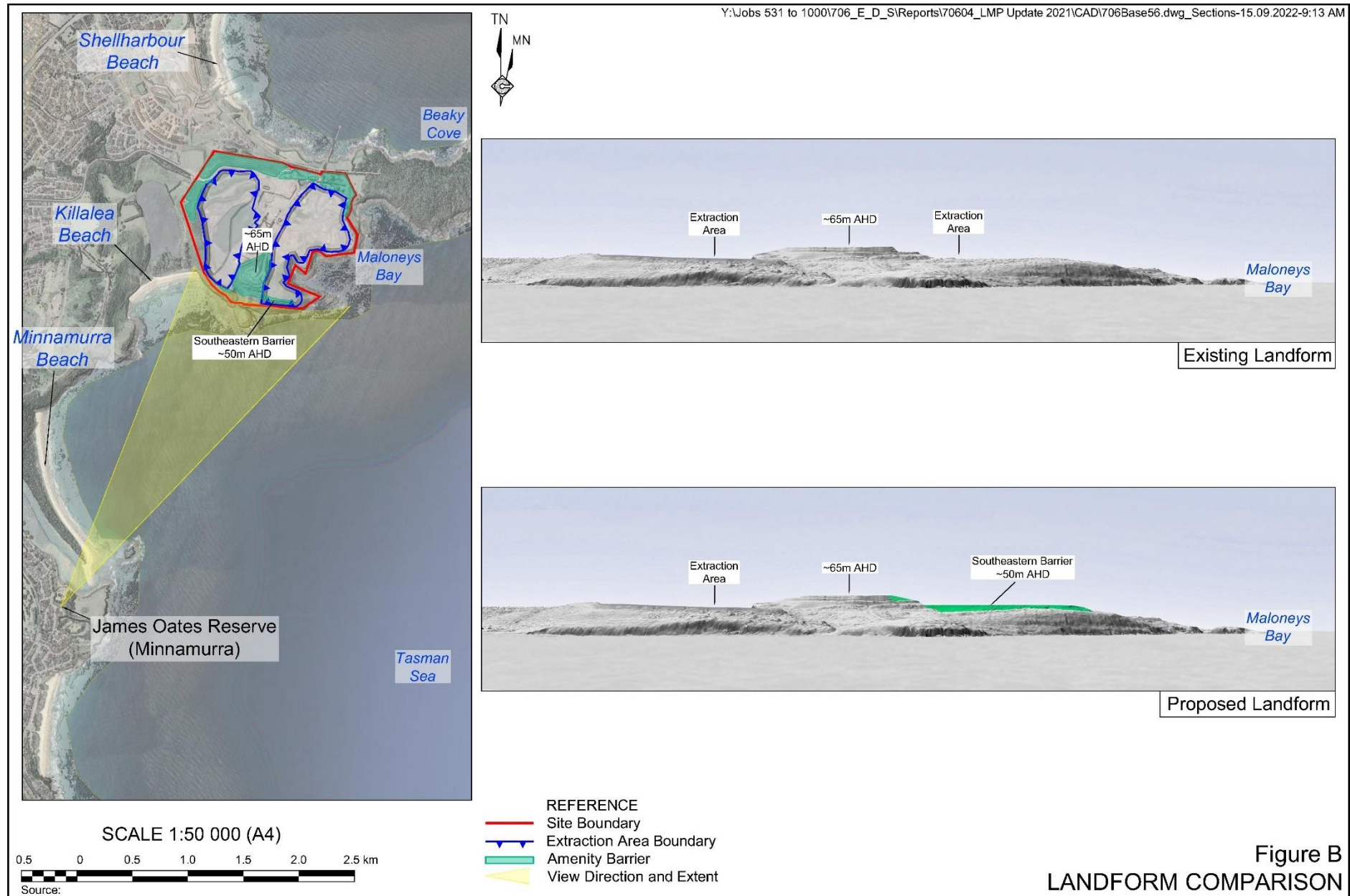


Figure A- CONCEPTUAL FIANL LANDFORM AND REHABILITATION REVEGETATION

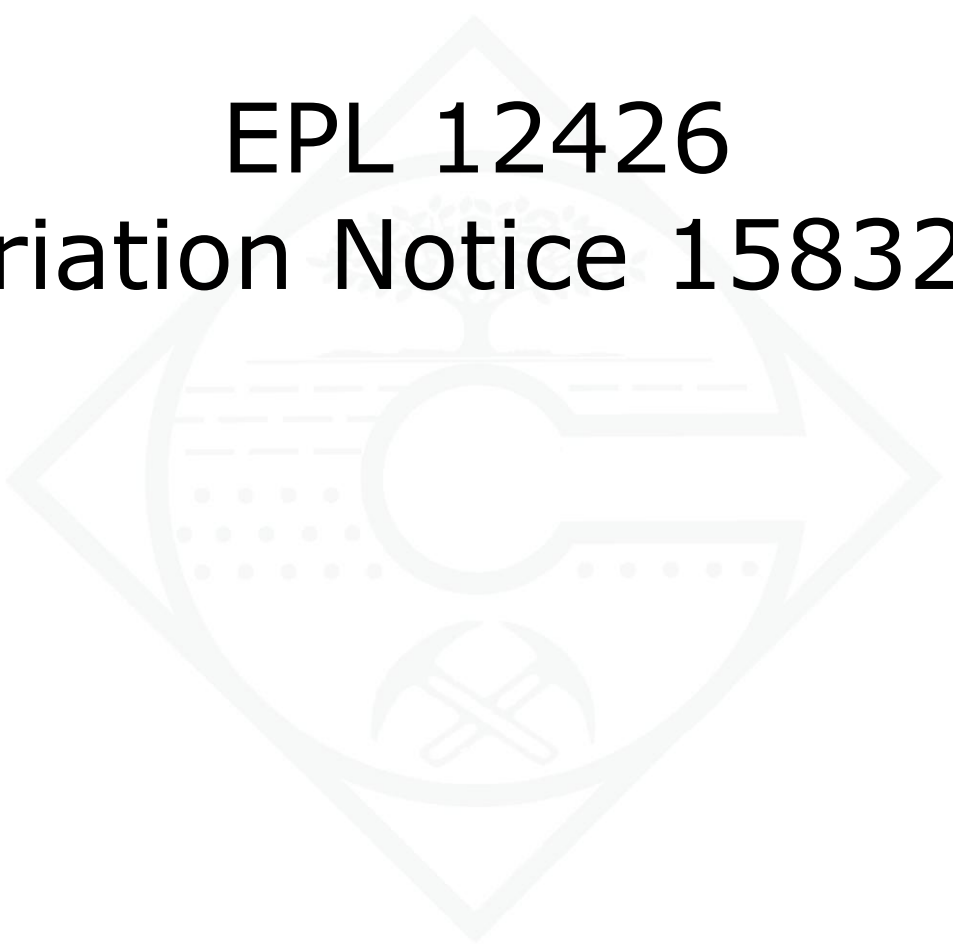
Legend

- Proposed processing plant and stockpile area to be planted with local native plants and grasses
- Quarry pit voids to be backfilled with rainfall runoff water and groundwater
- Areas disturbed during quarry pit expansion to be progressively planted with local native plants and grasses
- Proposed screen bunds planted with local native plants and grasses to remain
- Existing vegetated areas to remain
- Project site
- Proposed weighbridge, concrete plant, workshop and other infrastructure areas to be planted with local native plants and grasses
- Native vegetation Lot
- Runoff direction
- Existing gravity discharge pipeline though existing terrain to ocean to remain



Attachment 1

EPL 12426
Variation Notice 1583291

A large, faint, light-grey watermark of the University of Alberta crest is centered in the background. The crest is a shield-shaped emblem containing a stylized sun, a river, and a pickaxe.

Licence Variation



Licence - 12426

COASTWIDE CIVIL PTY LIMITED
ABN 71 073 648 594
PO BOX 116
KIAMA NSW 2533

Attention: Mr Cameron Hawke

Notice Number 1583291
File Number EF14/23522
Date 09-Aug-2019

NOTICE OF VARIATION OF LICENCE NO. 12426

BACKGROUND

- A. COASTWIDE CIVIL PTY LIMITED ("the licensee") is the holder of Environment Protection Licence No. 12426 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at Bass Point Tourist Road, SHELL COVE, NSW, 2529 ("the premises").
- B. On 17-Jul-2019 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. The Licensee has requested to vary its licence as follows:
- Relocate the Licensed Monitoring Point MP3 - Dust Deposition from Nearest residence on Marina Drive to within the current licensed boundary, at the corner of Marina Drive and Wharf Parade.
 - Relocate the Licensed Monitoring Point MP19 - Noise Monitoring from Nearest residence on Marina Drive to within the current licensed boundary at the corner of Marina Drive and Wharf Parade.
 - Remove the water monitoring point identified as MP20. This monitoring point was to monitor water quality in the southern 'clean water' stormwater channel which flowed through site. This channel directed clean water from Shell Cove to the east, through the Licensee's site and out to the ocean between the breakwater and the groyne. This channel was a temporary fixture until the longer term strategy to divert stormwater flows from Shell Cove through stormwater infrastructure into the boat harbour. The Licensee has advised, the channel is now eliminated, with stormwater flows from the east now diverted to the boat harbour as designed.
 - Remove water discharge and monitoring location MP24. This discharge point was established to test any waters prior to discharge from a sediment basin at the Landscape Mound - a permanent earth mound which was constructed as a buffer between Hanson quarry and the surrounding area. Part of this mound became part of the EPL premises, as some fill material from the boat harbour was used to construct a portion of the mound. The Licensee has advised the construction of the relevant

Licence Variation

section of the mound is now complete and the mound has been re-vegetated. The Licensee has confirmed the basin and therefore the discharge point are now redundant.

- adjust the licensed boundary for the premises to more closely reflect current operations.
- D. The Licensee advised on 31 July 2019, that the request to increase the premises boundary to include parts of the Bass Point Quarry relates to the placement of material in the Southern Landscape Mound. The western edge of the proposed boundary is the location of the haul road.
- E. The existing surcharge material at the north eastern area of the premises is to be transported along an exiting haul road and will be placed in the area at the southern tip of the proposed boundary.
- F. The EPA identified during an inspection on 26 June 2019, that the location of monitoring point MP3 Dust Deposition did not meet the required Australian Standard and was unlikely to provide reliable or representative results. The EPA directed the licensee to review the current dust gauge locations, on Marina Drive and the two other dust gauge locations to ensure all relevant Australian Standards are met.
- G. The EPA has:
 - revised the location of Monitoring Point MP3 (dust) and MP19 (noise).
 - removed MP20 - given the clean water channel through the licensee premises no longer operates.
 - removed MP24 - given this discharge and monitoring point is no longer required.
 - added the updated premises map within the licence.
- H. A draft notice, prepared under the Act, incorporating the proposed amendments was provided to the licensee on 7 August 2019.
- I. The licensee confirmed acceptance of the draft notice on 7 August 2019.
- J. The EPA has taken into accounts the objects of the Act and the relevant factors listed in Section 45 of that Act.

Note

The EPA considers a more contemporary dust sampling method, using real time monitoring, would provide the licensee with faster and more accurate monitoring data related to its operations. Data from real-time monitors can be used to generate automated dust alerts. In conjunction with real time monitoring, Trigger Action Response Plans (TARPs) could be developed to inform management and mitigation measures for potentially-impacted, sensitive receivers. With sensitive receivers moving closer to the licensee's extraction and work areas, such monitoring should be investigated.

VARIATION OF LICENCE NO. 12426

1. By this notice the EPA varies licence No. 12426. 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 includes an updated premises location map.
 - Previous Condition A2.2 and Note referencing boundary premises location removed from licence.
 - Condition P1.1 EPA Identification Point 3 Location Description updated.
 - Condition P1.3 EPA Identification Point 20 removed from Licence.

Licence Variation



- Condition P1.3 EPA Identification Point 24 removed from Licence.
- Condition P1.4 EPA Identification Point 19 Location Description updated.
- Condition L2.4 EPA Identification Point 24 removed from water concentration limits.
- Condition M2.3 EPA Identification Point 20 and 24 removed from water monitoring requirements.

.....
Naomi Lee
Acting Unit Head
Metropolitan - Illawarra
(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).



Environment Protection Licence

Licence - 12426

Licence Details	
Number:	12426
Anniversary Date:	13-April
Licensee	
COASTWIDE CIVIL PTY LIMITED	
PO BOX 116	
KIAMA NSW 2533	
Premises	
SHELL COVE BOATHARBOUR	
BASS POINT TOURIST ROAD	
SHELL COVE NSW 2529	
Scheduled Activity	
Marinas and boat repairs	
Fee Based Activity	Scale
Boat mooring and storage	Any annual handling capacity
Region	
Metropolitan - Illawarra	
Level 3, NSW Govt Offices, 84 Crown Street	
WOLLONGONG NSW 2500	
Phone: (02) 4224 4100	
Fax: (02) 4224 4110	
PO Box 513	
WOLLONGONG EAST NSW 2520	

Environment Protection Licence

Licence - 12426



INFORMATION ABOUT THIS LICENCE	4
Dictionary	4
Responsibilities of licensee	4
Variation of licence conditions	4
Duration of licence	4
Licence review	4
Fees and annual return to be sent to the EPA	4
Transfer of licence	5
Public register and access to monitoring data	5
1 ADMINISTRATIVE CONDITIONS	6
A1 What the licence authorises and regulates	6
A2 Premises or plant to which this licence applies	6
A3 Information supplied to the EPA	7
2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND	8
P1 Location of monitoring/discharge points and areas	8
3 LIMIT CONDITIONS	9
L1 Pollution of waters	9
L2 Concentration limits	10
L3 Waste	11
L4 Noise limits	11
L5 Blasting	11
L6 Hours of operation	12
L7 Potentially offensive odour	12
4 OPERATING CONDITIONS	12
O1 Activities must be carried out in a competent manner	12
O2 Maintenance of plant and equipment	12
O3 Dust	12
O4 Processes and management	13
O5 Other operating conditions	15
5 MONITORING AND RECORDING CONDITIONS	15
M1 Monitoring records	15
M2 Requirement to monitor concentration of pollutants discharged	15
M3 Testing methods - concentration limits	17
M4 Weather monitoring	17

Environment Protection Licence

Licence - 12426



M5	Recording of pollution complaints	18
M6	Telephone complaints line	18
M7	Blasting	18
M8	Requirement to record bypass incidents from sewage treatment plants	19
M9	Other monitoring and recording conditions	19
M10	Noise monitoring	20
6	REPORTING CONDITIONS	20
R1	Annual return documents	20
R2	Notification of environmental harm	21
R3	Written report	21
R4	Other notifications	22
R5	Other reporting conditions	22
7	GENERAL CONDITIONS	23
G1	Copy of licence kept at the premises or plant	23
G2	Other general conditions	23
DICTIONARY		24
	General Dictionary	24

Environment Protection Licence

Licence - 12426



Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

Environment Protection Licence

Licence - 12426



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:

COASTWIDE CIVIL PTY LIMITED
PO BOX 116
KIAMA NSW 2533

subject to the conditions which follow.



Environment Protection Licence

Licence - 12426

1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2:

Construction of a Marina and associated Facilities.

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

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

Scheduled Activity	Fee Based Activity	Scale
Marinas and boat repairs	Boat mooring and storage	Any annual handling capacity

A1.3 The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.

A1.4 The conditions of this licence refer to scheduled development works for the construction of a Marina and associated works.

A2 Premises or plant to which this licence applies

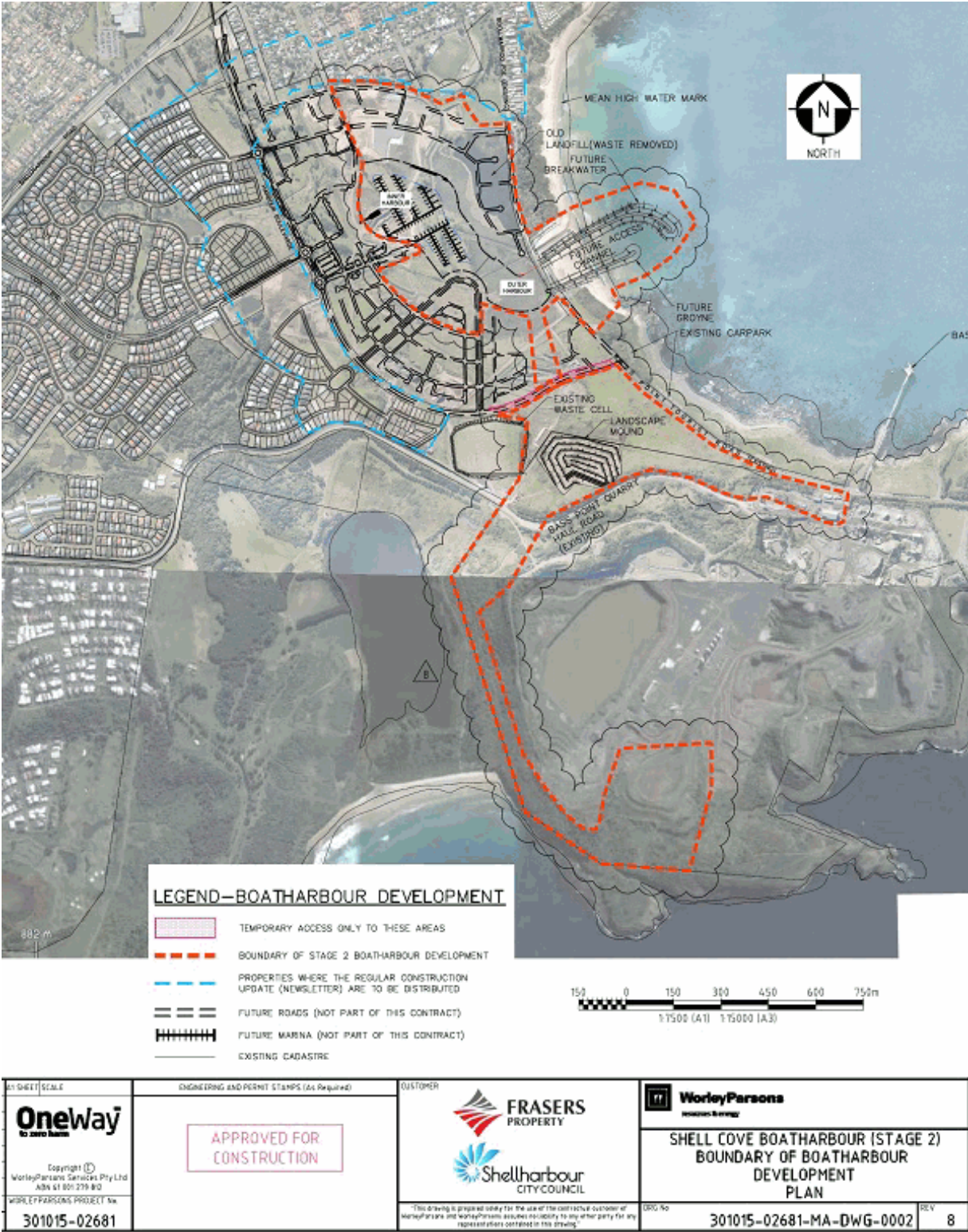
A2.1 The licence applies to the following premises:

Premises Details
SHELL COVE BOATHARBOUR
BASS POINT TOURIST ROAD
SHELL COVE
NSW 2529

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

Environment Protection Licence

Licence - 12426



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.

Environment Protection Licence

Licence - 12426

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.

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.

Air

EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Dust deposition		Nearest residence at Boolwarroo Pde, Shellharbour Village
2	Dust deposition		Nearest residence on Mary, William or Sophia Streets, Shellharbour Village.
3	Dust deposition		Corner of Marina Drive and Wharf Parade, Shell Cove

- 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
8	Water quality monitoring		Surf zone 100m south of groyne E 305215 N 6170407
9	Water quality monitoring		Surf zone 100m north of breakwater E 305007 N 6170808

Environment Protection Licence

Licence - 12426

10	Water quality monitoring		Upstream location Runoff into premises from west E 304179 N 6170716
11	Water quality monitoring		Upstream location Runoff into premises from north E 304567 N 6171012
14	Water quality monitoring		Landscape mound Runoff into premises from south E 304893 N 6169904
21	Water quality monitoring		Southern Channel Downstream of Precinct B1 and C1 E 304664 N 6170430
22	Discharge to waters Water quality monitoring	Discharge to waters Water quality monitoring	Harbour Excavation Discharge into southern diversion channel E304707 N6170437
23	Discharge to waters Water quality monitoring	Discharge to waters Water quality monitoring	Outer Harbour Excavation Discharge into southern diversion channel E304790 N6170424

P1.4 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

Noise/Weather

EPA identification no.	Type of monitoring point	Location description
17	Noise monitoring	Nearest residence at Boolwarroo Pde, Shellharbour Village
18	Noise monitoring	Nearest residence on Mary, William or Sophia Streets, Shellharbour Village
19	Noise monitoring	Corner of Marina Drive and Wharf Parade, Shell Cove.

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.

Environment Protection Licence

Licence - 12426



L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.
- L2.4 Water and/or Land Concentration Limits

POINT 22,23

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil and Grease	Visible				Not visible
pH	pH				4.0-8.5
Total suspended solids	milligrams per litre				50

Note: Exceeding the limits specified in Condition L2.1 of this licence for pH, turbidity and total suspended solids (TSS) is only permitted when the discharge occurs solely as a result of rainfall measured at the premises and that rainfall event exceeds the 5 year ARI rainfall event. A 5 year ARI rainfall event is taken to be one that exceeds the 5 year ARI rainfall intensity in the 'Intensity-Frequency-Duration Table,' dated 26 August 2013 and prepared by the Bureau of Meteorology. The 'Intensity-Frequency-Duration Table' is maintained on file EF13/2571 at the EPA's Level 3, 84 Crown Street, Wollongong Office.

- L2.5 The licensee must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.
- L2.6 The licensee must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.
- L2.7 The licensee must provide the EPA with any amendments the licensee makes to the statistical correlation as a result of the ongoing verification required by Condition L2.4 before using the revised statistical correlation.

Environment Protection Licence

Licence - 12426



L3 Waste

- L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.

L4 Noise limits

- L4.1 For any exceedance of the background noise level by more than 10 dB(A) the licensee must undertake community liaison and consultation in order to identify and implement any additional reasonable and feasible noise mitigation options.
- L4.2 5dB(A) must be added to the measured noise levels if the noise is substantially tonal or impulsive in character.
- L4.3 Where vibration resulting from construction and operation at the premises cannot be limited to the evaluation criteria presented in British Standard BS6472 for low probability of adverse comment, at any affected residential dwelling, the licensee must:
- a) implement all feasible and practical measures to minimise the impact on affected residents, and
 - b) provide information to potentially affected residents about times when vibration is planned to occur, and
 - c) monitor vibration levels in accordance with the noise monitoring conditions of this licence, and
 - d) provide the results of vibration monitoring to the affected residents.

L5 Blasting

- L5.1 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.2 The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Environment Protection Licence

Licence - 12426



L6 Hours of operation

L6.1 All work at the premises must be conducted between the following hours: 7am to 6pm Mondays to Fridays, 7am to 5pm Saturdays, no construction on Sundays and Public Holidays.

L6.2 Exemptions to standard construction hours

The four categories of works that may be undertaken outside the standard hours of operation permitted by this license are:

- a) the delivery of oversized plant or structures that police or other authorised authorities determine require special arrangements to transport along public roads;
- b) emergency work to avoid the loss of lives or property, or to prevent environmental harm;
- c) works that are not more than 5 dB(A) over the rating background level at the nearest noise sensitive receiver as assessed by acoustic investigation.

The licensee must notify the EPA within 24 hours of undertaking any works referred to in this Condition as well as providing the EPA with a copy of the results of any acoustic investigation made in relation to this Condition within 24 hours.

d) works conducted on Shellharbour South Beach to take advantage of access at low tide conditions and/or low wave conditions.

L7 Potentially offensive odour

L7.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

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

Environment Protection Licence

Licence - 12426



the emission of dust.

- O3.2 Areas of the premises not currently engaged in site operations or activities must be stabilised and maintained in a condition that does not emit dust.
- O3.3 Measures must be installed to prevent the carry over of mud or dirt onto public roads beyond the premises boundary.

O4 Processes and management

Erosion and Sediment Control

- O4.1 Any crossings of 'clean water channels' must be constructed in a manner that prevents erosion and prevents sediment from washing into the channels.
- O4.2 The licensee must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.
- O4.3 The licensee must maximise the diversion of stormwater runoff from disturbed areas within the premises to sediment basins or infiltration sumps installed on the premises.
- O4.4 Existing water courses used to bypass stormwater around the boat harbour must be lined with a non-erodible liner if their channels or banks are disturbed by the licensee.
- O4.5 Temporary and permanent constructed drainage around the site must be stabilised immediately.
- O4.6 The drainage from all areas that will mobilise suspended solids when stormwater runs over these areas must be controlled and diverted through appropriate erosion and sediment control measures.
- O4.7 The licensee must minimise the area of the site that is able to generate suspended material when water runs over it.
- O4.8 Temporary vegetative restabilisation techniques must be applied to any disturbed soil to prevent areas remaining bare for more than 28 days.
- O4.9 Stockpiles must not be placed within 30 metres of any watercourse.

Sediment Basins

- O4.10 Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.

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

- O4.11 Erosion and sediment control measures, including sediment basins, must be designed (stability, location, type and size), constructed, operated and maintained in accordance with the guideline "Managing urban

Environment Protection Licence

Licence - 12426



stormwater: soils and construction" Landcom 2004.

- O4.12 The licensee must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.
- O4.13 The licensee must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:
- a) the clear identification of each sediment basin and discharge point;
 - b) the collection of representative samples of the water discharged from the sediment basin(s); and
 - c) access to the sampling point(s) at all times by an authorised officer of the EPA at all reasonable times where safe to do so.
- O4.14 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.

Dredging

- O4.15 Dredge spoil for beach nourishment must be placed in a manner that minimises the pollution of waters. Where practical the dredge spoil outlet pipe should be positioned at the maximum distance practicable from the high water mark and treated with a dewatering structure to minimise turbidity in the surf zone.

Breakwall and Groyne

- O4.16 For purposes of turbidity control, only clean rock may be used for break wall and groyne construction.

Acid Sulphate Soil

- O4.17 Any acid sulphate soils disturbed during the project must be managed in accordance with the document titled "ACID SULPHATE SOIL MANUAL, ASSMAC 1998".
- O4.18 From the time when the acid sulphate soil is exposed to the atmosphere:
- a) the licensee must complete a log of odour observations. These observations must continue for a duration of 20 consecutive days and be used to assess compliance with the odour condition/s of this licence and to assess the risks of odours impacting residential areas under worst-case wind conditions.
 - b) the licensee has 30 days to submit the log of odour observations to the EPA together with an assessment of actual and potential odour impacts on the nearest residential areas.
- O4.19 If the assessment identifies a likely risk of odours impacting residential areas, the licensee must:
- a) minimise the handling of odorous materials near to residential areas, and
 - b) locate odorous stockpiles away from residential areas, and
 - c) cover stockpiles to reduce the escape of odours to the atmosphere, and
 - d) apply odour suppressants such as lime.

Chemical Storage

- O4.20 All fuels, oils, paints and other chemicals stored on site must be contained in a bunded area constructed to comply with the requirements of:
- a) Australian Standard AS 1940-2004: The Storage and Handling of Flammable and Combustible Liquids

Environment Protection Licence

Licence - 12426



b) Australian Standard AS 4452-1997: The Storage and Handling of Toxic Substances

Sewage

O4.21 Sewage effluent must not be disposed of on-site.

O5 Other operating conditions

Blasting

- O5.1 Blasting operations at the premises may only take place between 9:00am and 5:00pm Monday to Friday. Where compelling safety reasons exist, the EPA may permit a blast to occur outside the above hours. A prior written request for approval of any such blast must be made to the EPA.
- O5.2 A siren must be activated at the site for 30 seconds at least five minutes prior to each blast. All residents within a 400 metre radius of a blast must be advised by a letter drop, before blasting operations commence of the likely times, frequency and duration of blasting and precautions being taken to ensure that the limits set in this licence are being complied with.

5 Monitoring and Recording Conditions

M1 Monitoring records

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

M2 Requirement to monitor concentration of pollutants discharged

- M2.1 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

Environment Protection Licence

Licence - 12426

frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

POINT 1,2,3

Pollutant	Units of measure	Frequency	Sampling Method
Total Solid Particles	grams per square metre per month	Monthly	Composite sample

M2.3 Water and/ or Land Monitoring Requirements

POINT 8,9

Pollutant	Units of measure	Frequency	Sampling Method
Colour (apparent)	Visible	Special Frequency 1	Visual Inspection
Turbidity	nephelometric turbidity units	Special Frequency 1	Probe

POINT 10,11,14,21

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	Visible	Special Frequency 2	Visual Inspection
pH	pH	Special Frequency 2	Probe
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample
Turbidity	nephelometric turbidity units	Special Frequency 2	Probe

POINT 22,23

Pollutant	Units of measure	Frequency	Sampling Method
BOD	milligrams per litre	Daily during any discharge	Grab sample
Nitrate	milligrams per litre	Daily during any discharge	Grab sample
Nitrogen (ammonia)	milligrams per litre	Daily during any discharge	Grab sample
Oil and Grease	Visible	Daily during any discharge	Visual Inspection
pH	pH	Daily during any discharge	Probe
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample

Environment Protection Licence

Licence - 12426



Turbidity	nephelometric turbidity units	Daily during any discharge	Probe
-----------	-------------------------------	----------------------------	-------

Note: Special Frequency 1 means:

1. weekly, or
2. daily during construction in the beach zone, wet weather,* or break out.**

* 'wet weather' is defined as 20mm or more of rainfall in a 24 hour period, as measured at the premises.

** 'Break out' means there is water flowing from the premises into the surf zone.

Note: Special Frequency 2 means:

1. daily if turbidity at point 8 or 9 is equal to or greater than 5 nephelometric turbidity units, or
2. weekly if turbidity at point 8 or 9 is less than 5 nephelometric turbidity units.

M3 Testing methods - concentration limits

M3.1 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.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* 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 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- b) 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
- c) 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.

M4 Weather monitoring

M4.1 Rainfall must be measured and recorded in millimetres per 24 hour period, at 9am each day. For the purpose of this licence the Shell Cove project office is considered an acceptable rainfall monitoring location.

Environment Protection Licence

Licence - 12426



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.

M7 Blasting

- M7.1 To determine compliance with conditions of this licence:
- a) Airblast overpressure and ground vibration must be measured and electronically recorded at the:
 - i) Nearest residence at Boolwarroo Pde, Shellharbour Village;
 - ii) Nearest residence on Mary, William or Sophia Streets; and
 - iii) Nearest residence on Whitsunday or Apollo Drives;or as otherwise directed by an authorised officer of the EPA for all blasts carried out in or on the premises.
 - b) Instrumentation used to measure the airblast overpressure and ground vibration must meet the requirements of Australian Standard AS 2187.2-2006.

Environment Protection Licence

Licence - 12426



- M7.2 For the purposes of blast monitoring, the following information must be recorded for each blast carried out in or on the premises:
- i) the time and date of each blast;
 - ii) the locations at which the blast was measured;
 - iii) the ground vibration for each blast;
 - iv) the airblast overpressure for each blast;
 - v) evidence that during each 12 month period, a calibration check had been carried out on each blast monitor to ensure accuracy of the reported data; and
 - vi) the waveform for the ground vibration and overpressure for each blast that exceeds a ground vibration of 5mm/sec (peak particle velocity) or an airblast overpressure of 115dB(L).

M8 Requirement to record bypass incidents from sewage treatment plants

- M8.1 When stormwater bypasses and/or overtops any pollution control or erosion and sediment control measure, the licensee must, within 5 days of the incident, provide a brief report to the EPA:
- a) outlining the circumstances that led to the failure, and
 - b) explaining why the measure was not effective, and
 - c) advising the remediation works carried out to prevent a recurrence of the bypass or overtopping.

M9 Other monitoring and recording conditions

Vibration Monitoring

- M9.1 Vibration monitoring must be carried out in accordance with the guidance provided in the Environmental Noise Management Assessing Vibration: A Technical Guideline, published by the Department of Environment and Conservation, February 2006.

Beach Monitoring

- M9.2 Daily during any discharge to the beach, the licensee must carry out visual inspections of the near shore waters including at points 8, 9 and 12. If any visual signs of water pollution appear to extend from the licensed premises to these monitoring locations, all discharges from the premises must be immediately stopped.

Discharges from the premises may only resume when waters at points 8 and 9 are unaffected by the activities of the premises.

Note: This condition does not apply to the natural run-off entering the premises through upstream boundaries and flowing through the premises in "clean water" bypass channels.

Monitoring of Pollution Control Measures

- M9.3 All erosion and sediment control measures installed on the premises must be inspected and works undertaken to repair and/or maintain these controls:
- a) weekly during normal construction hours outlined in Condition L6.1;
 - b) daily during periods of rainfall; and

Environment Protection Licence

Licence - 12426



c) within 24 hours of the cessation of a rainfall event causing runoff to occur on or from the premises.

The licensee must record all such inspections including observations and works undertaken to repair and/or maintain erosion and sediment controls.

M10 Noise monitoring

M10.1 To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below.

POINT 17,18,19

Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period
Day	Weekly	15 minutes	1 operation day

6 Reporting Conditions

R1 Annual return documents

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

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

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

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

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

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

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of

Environment Protection Licence

Licence - 12426



the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

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

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

- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.
- R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- 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 the incident occurred.

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.

Environment Protection Licence

Licence - 12426



- 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.

R4 Other notifications

- R4.1 The licensee must immediately notify the EPA Environment Line (Telephone 131555) of any failure and/or over-topping of any erosion or sediment control measure or stormwater management measure.

R5 Other reporting conditions

Planned Flooding of the Boat Harbour

- R5.1 Thirty days prior to opening the boat harbour to the sea, the licensee must submit a report outlining the opening procedure aimed at minimising the turbidity plume at the beach during the initial tidal exchanges.

Monthly Report

- R5.2 Monthly report

The licensee must provide the EPA with a monthly report containing the following information:

- a) details of all non-compliances with the conditions of this licence and measures taken, or proposed, to prevent a recurrence of such a non-compliance; and
- b) details of all discharges from the sediment basins where the water quality results exceed the limits prescribed by Condition L2.1 including the rainfall measurements to demonstrate compliance; and

Environment Protection Licence

Licence - 12426



- c) details of all noise monitoring results as prescribed by Condition M2.4; and
 - d) details of all air monitoring results as prescribed by Condition M2.2; and
- The report referred to in this condition must be received by the EPA within 10 working days of the end of each month.

7 General Conditions

G1 Copy of licence kept at the premises or plant

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

G2 Other general conditions

G2.1 Completed Programs

Program	Description	Completed Date
PRP 1 - Assessment & Control of Odours from the exposure of Old Landfill	The aim of this PRP is to determine whether there is a potential odour problem for nearby residential areas and if so to design and implement measures to minimise the impacts of the odours.	30-October-2007

Environment Protection Licence

Licence - 12426

Dictionary

General Dictionary

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

Environment Protection Licence

Licence - 12426

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



Environment Protection Licence

Licence - 12426

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

Mr Paul Wearne

Environment Protection Authority

(By Delegation)

Date of this edition: 13-April-2006

Environment Protection Licence

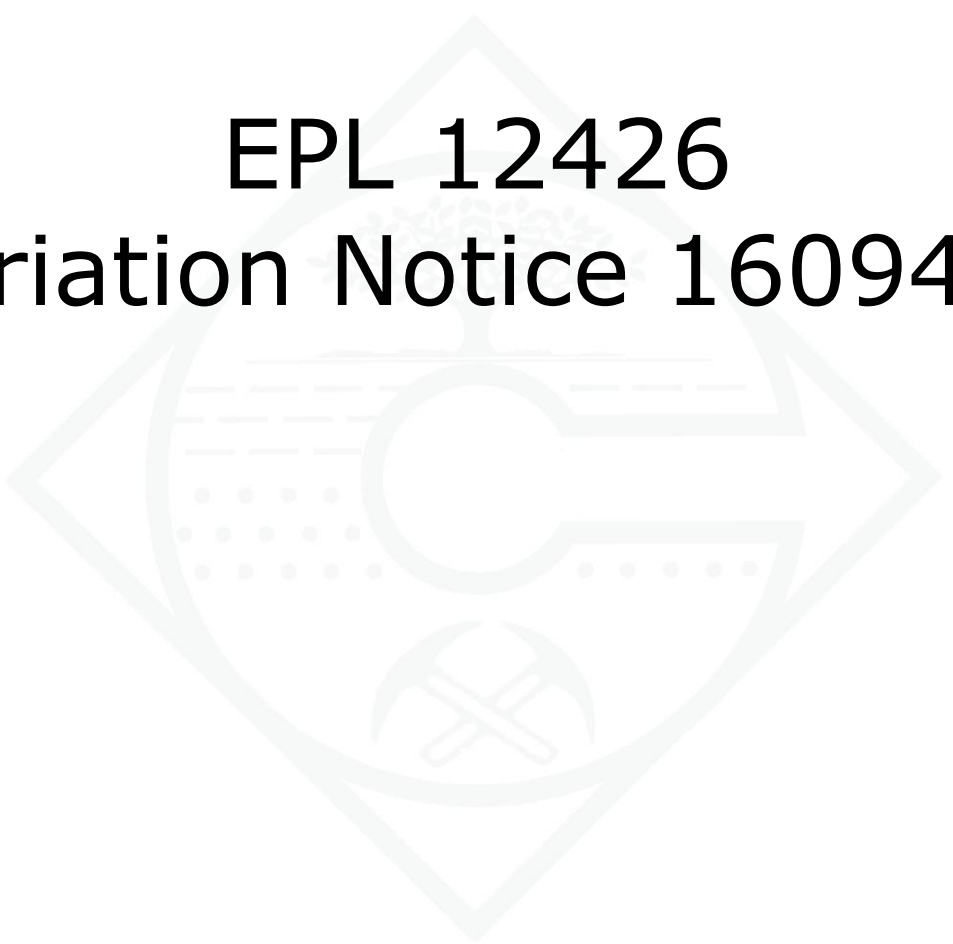
Licence - 12426

End Notes

- 1 Licence varied by notice 1067984, issued on 17-Jan-2007, which came into effect on 17-Jan-2007.
- 2 Licence varied by notice 1074555, issued on 21-Aug-2007, which came into effect on 21-Aug-2007.
- 3 Licence varied by notice 1110458, issued on 31-Mar-2010, which came into effect on 31-Mar-2010.
- 4 Licence varied by notice 1504261 issued on 20-Feb-2012
- 5 Licence varied by notice 1510205 issued on 21-Dec-2012
- 6 Licence varied by notice 1516628 issued on 09-Sep-2013
- 7 Licence varied by notice 1521034 issued on 17-Apr-2014
- 8 Licence transferred through application 1522413 approved on 29-May-2014 , which came into effect on 30-May-2014
- 9 Licence varied by notice 1527107 issued on 16-Dec-2014
- 10 Licence varied by notice 1530908 issued on 01-Jun-2015
- 11 Licence varied by notice 1532608 issued on 04-Aug-2015
- 12 Licence varied by notice 1533646 issued on 07-Sep-2015
- 13 Licence varied by notice 1535754 issued on 19-Nov-2015
- 14 Licence varied by notice 1542327 issued on 08-Jul-2016
- 15 Licence varied by notice 1544184 issued on 01-Sep-2016
- 16 Licence varied by notice 1549130 issued on 09-Feb-2017
- 17 Licence varied by notice 1552569 issued on 20-Jul-2017
- 18 Licence varied by notice 1559396 issued on 11-Dec-2017
- 19 Licence varied by notice 1562106 issued on 28-Feb-2018

Attachment 2

EPL 12426
Variation Notice 1609417

A large, faint, light-grey watermark of the University of Alberta crest is centered in the background. The crest is a shield-shaped emblem containing a stylized sun, a river, and a cross, with the words "UNIVERSITY OF ALBERTA" inscribed at the top.

Licence Variation

Licence - 12426



COASTWIDE CIVIL PTY LIMITED
ABN 71 073 648 594
PO BOX 116
KIAMA NSW 2533

Attention: Mr Luke Cavallaro

Notice Number 1609417
File Number EF14/23522
Date 07-Jun-2021

NOTICE OF VARIATION OF LICENCE NO. 12426

BACKGROUND

- A. COASTWIDE CIVIL PTY LIMITED ("the licensee") is the holder of Environment Protection Licence No. 12426 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at Bass Point Tourist Road, SHELL COVE, NSW, 2529 ("the premises")
- B. On 13-May-2021 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. The Licensee has advised:
 - 1. bulk earth works associated with the construction of the land based part of the marina are mostly complete and has requested the premises boundary be adjusted to reflect this work.
 - 2. the bulk earthworks associated with landscape mound have ceased, with material no longer being transported to the landscape mound.
 - 3. that current land-based, and barge-based dredging activities, relate to the completion the entrance channel between the breakwater and the groyne to the boat harbour. These works are scheduled to be completed by late June/early July 2021.
 - 4. once the harbour channel dredging works are completed, the harbour construction program will be completed and the licence will be transferred to the new marina operator.
- D. The Licensee has provided a revised map of the new premises boundary which has been included within the licence.
- E. The map includes the section being used for the Dredged Materials Storage has been included within the proposed premises boundary.
- F. This notice varies the premises boundary only.

Licence Variation



VARIATION OF LICENCE NO. 12426

1. By this notice the EPA varies licence No. 12426. 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 premises boundary map updated.

.....
Greg Newman
Acting Unit Head
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).



Environment Protection Licence

Licence - 12426

<u>Licence Details</u>	
Number:	12426
Anniversary Date:	13-April

<u>Licensee</u>	
COASTWIDE CIVIL PTY LIMITED	
PO BOX 116	
KIAMA NSW 2533	

<u>Premises</u>	
SHELL COVE BOATHARBOUR	
BASS POINT TOURIST ROAD	
SHELL COVE NSW 2529	

<u>Scheduled Activity</u>	
Marinas and boat repairs	

<u>Fee Based Activity</u>	<u>Scale</u>
Boat mooring and storage	Any annual handling capacity

<u>Contact Us</u>	
NSW EPA	
4 Parramatta Square	
12 Darcy Street	
PARRAMATTA NSW 2150	
Phone: 131 555	
Email: info@epa.nsw.gov.au	
Locked Bag 5022	
PARRAMATTA NSW 2124	



Environment Protection Licence

Licence - 12426

INFORMATION ABOUT THIS LICENCE	4
Dictionary	4
Responsibilities of licensee	4
Variation of licence conditions	4
Duration of licence	4
Licence review	4
Fees and annual return to be sent to the EPA	4
Transfer of licence	5
Public register and access to monitoring data	5
1 ADMINISTRATIVE CONDITIONS	6
A1 What the licence authorises and regulates	6
A2 Premises or plant to which this licence applies	6
A3 Information supplied to the EPA	7
2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND	8
P1 Location of monitoring/discharge points and areas	8
3 LIMIT CONDITIONS	9
L1 Pollution of waters	9
L2 Concentration limits	9
L3 Waste	10
L4 Noise limits	11
L5 Blasting	11
L6 Hours of operation	11
L7 Potentially offensive odour	12
4 OPERATING CONDITIONS	12
O1 Activities must be carried out in a competent manner	12
O2 Maintenance of plant and equipment	12
O3 Dust	12
O4 Processes and management	12
O5 Other operating conditions	14
5 MONITORING AND RECORDING CONDITIONS	15
M1 Monitoring records	15
M2 Requirement to monitor concentration of pollutants discharged	15
M3 Testing methods - concentration limits	17
M4 Weather monitoring	17
M5 Recording of pollution complaints	17



Environment Protection Licence

Licence - 12426

M6	Telephone complaints line	18
M7	Blasting	18
M8	Requirement to record bypass incidents from sewage treatment plants	18
M9	Other monitoring and recording conditions	18
M10	Noise monitoring	19
6	REPORTING CONDITIONS	20
R1	Annual return documents	20
R2	Notification of environmental harm	21
R3	Written report	21
R4	Other notifications	21
R5	Other reporting conditions	22
7	GENERAL CONDITIONS	22
G1	Copy of licence kept at the premises or plant	22
G2	Other general conditions	22
8	SPECIAL CONDITIONS	23
E1	Boat Harbour connection to marine waters	23
DICTIONARY		26
	General Dictionary	26

Environment Protection Licence

Licence - 12426

Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).



Environment Protection Licence

Licence - 12426

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:

COASTWIDE CIVIL PTY LIMITED
PO BOX 116
KIAMA NSW 2533

subject to the conditions which follow.



Environment Protection Licence

Licence - 12426

1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2:
Construction of a Marina and associated Facilities.

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

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

Scheduled Activity	Fee Based Activity	Scale
Marinas and boat repairs	Boat mooring and storage	Any annual handling capacity

A1.3 The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.

A1.4 The conditions of this licence refer to scheduled development works for the construction of a Marina and associated works.

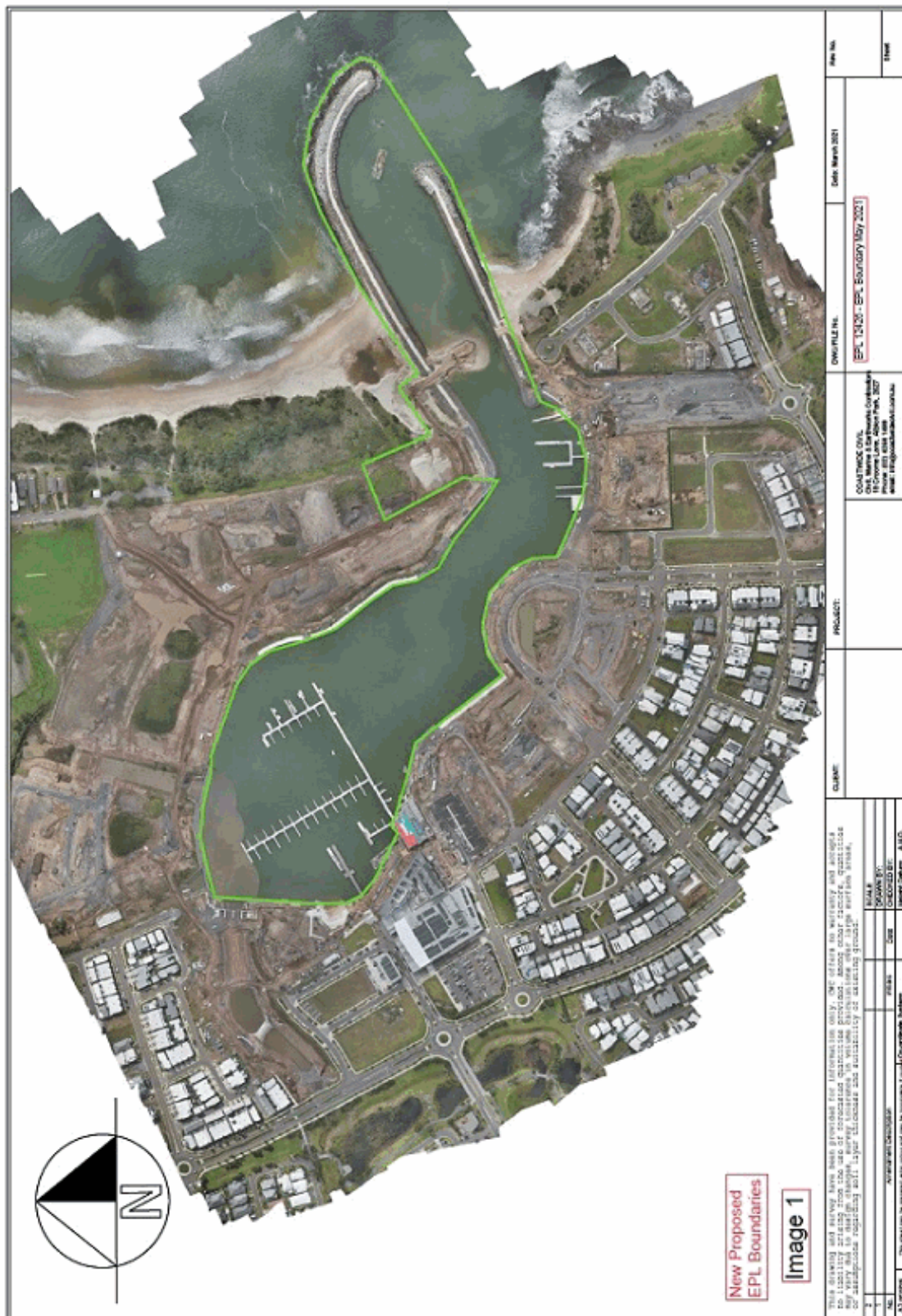
A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
SHELL COVE BOATHARBOUR
BASS POINT TOURIST ROAD
SHELL COVE
NSW 2529

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

Licence - 12426



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.

Environment Protection Licence

Licence - 12426

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.

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
1	Dust deposition		Nearest residence at Boolwarroo Pde, Shellharbour Village
2	Dust deposition		Nearest residence on Mary, William or Sophia Streets, Shellharbour Village.
3	Dust deposition		Most eastern end of Wharf Parade at the intersection of Promontory Drive, Shell Cove

- 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.

<i>Water and land</i>			
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
8	Water quality monitoring		Surf zone 100m south of groyne E 305215 N 6170407
9	Water quality monitoring		Surf zone 100m north of breakwater E 305007 N 6170808

Environment Protection Licence

Licence - 12426

10	Water quality monitoring		Upstream location Runoff into premises from west E 304179 N 6170716
11	Water quality monitoring		Upstream location Runoff into premises from north E 304567 N 6171012
14	Water quality monitoring		Landscape mound Runoff into premises from south E 304893 N 6169904
22	Discharge to waters Water quality monitoring	Discharge to waters Water quality monitoring	Harbour Excavation Discharge into entrance channel E304707 N6170437
23	Discharge to waters Water quality monitoring	Discharge to waters Water quality monitoring	Outer Harbour Excavation Discharge into entrance channel E304790 N6170424

P1.4 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

Noise/Weather

EPA identification no.	Type of monitoring point	Location description
17	Noise monitoring	Nearest residence at Boolwarroo Pde, Shellharbour Village
18	Noise monitoring	Nearest residence on Mary, William or Sophia Streets, Shellharbour Village
19	Noise monitoring	Most eastern end of Wharf Parade at the intersection of Promontory Drive, Shell Cove

3 Limit Conditions

L1 Pollution of waters

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

L2 Concentration limits

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

Environment Protection Licence

Licence - 12426

- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.
- L2.4 Water and/or Land Concentration Limits

POINT 22,23

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil and Grease	Visible				Not visible
pH	pH				4.0-8.5
Total suspended solids	milligrams per litre				50

Note: Exceeding the limits specified in Condition L2.1 of this licence for pH, turbidity and total suspended solids (TSS) is only permitted when the discharge occurs solely as a result of rainfall measured at the premises and that rainfall event exceeds the 5 year ARI rainfall event. A 5 year ARI rainfall event is taken to be one that exceeds the 5 year ARI rainfall intensity in the 'Intensity-Frequency-Duration Table,' dated 26 August 2013 and prepared by the Bureau of Meteorology. The 'Intensity-Frequency-Duration Table' is maintained on file EF13/2571 at the EPA's Level 3, 84 Crown Street, Wollongong Office.

- L2.5 The licensee must provide the EPA with a copy of the statistical correlation assessment methodology and results before using NTU in place of TSS.
- L2.6 The licensee must develop and implement a method to enable the ongoing verification of the relationship between NTU and TSS.
- L2.7 The licensee must provide the EPA with any amendments the licensee makes to the statistical correlation as a result of the ongoing verification required by Condition L2.4 before using the revised statistical correlation.

L3 Waste

- L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.

Environment Protection Licence

Licence - 12426

L4 Noise limits

- L4.1 For any exceedance of the background noise level by more than 10 dB(A) the licensee must undertake community liaison and consultation in order to identify and implement any additional reasonable and feasible noise mitigation options.
- L4.2 5dB(A) must be added to the measured noise levels if the noise is substantially tonal or impulsive in character.
- L4.3 Where vibration resulting from construction and operation at the premises cannot be limited to the evaluation criteria presented in British Standard BS6472 for low probability of adverse comment, at any affected residential dwelling, the licensee must:
- a) implement all feasible and practical measures to minimise the impact on affected residents, and
 - b) provide information to potentially affected residents about times when vibration is planned to occur, and
 - c) monitor vibration levels in accordance with the noise monitoring conditions of this licence, and
 - d) provide the results of vibration monitoring to the affected residents.

L5 Blasting

- L5.1 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.2 The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6 Hours of operation

- L6.1 All work at the premises must be conducted between the following hours: 7am to 6pm Mondays to Fridays, 7am to 5pm Saturdays, no construction on Sundays and Public Holidays.
- L6.2 Exemptions to standard construction hours
- The four categories of works that may be undertaken outside the standard hours of operation permitted by this license are:
- a) the delivery of oversized plant or structures that police or other authorised authorities determine require special arrangements to transport along public roads;

Environment Protection Licence

Licence - 12426

- b) emergency work to avoid the loss of lives or property, or to prevent environmental harm;
- c) works that are not more than 5 dB(A) over the rating background level at the nearest noise sensitive receiver as assessed by acoustic investigation.

The licensee must notify the EPA within 24 hours of undertaking any works referred to in this Condition as well as providing the EPA with a copy of the results of any acoustic investigation made in relation to this Condition within 24 hours.

- d) works conducted on Shellharbour South Beach to take advantage of access at low tide conditions and/or low wave conditions.

L7 Potentially offensive odour

- L7.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

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.
- O3.2 Areas of the premises not currently engaged in site operations or activities must be stabilised and maintained in a condition that does not emit dust.
- O3.3 Measures must be installed to prevent the carry over of mud or dirt onto public roads beyond the premises boundary.

O4 Processes and management

Environment Protection Licence

Licence - 12426

Erosion and Sediment Control

- O4.1 Any crossings of 'clean water channels' must be constructed in a manner that prevents erosion and prevents sediment from washing into the channels.
- O4.2 The licensee must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.
- O4.3 The licensee must maximise the diversion of stormwater runoff from disturbed areas within the premises to sediment basins or infiltration sumps installed on the premises.
- O4.4 Temporary and permanent constructed drainage around the site must be stabilised immediately.
- O4.5 The drainage from all areas that will mobilise suspended solids when stormwater runs over these areas must be controlled and diverted through appropriate erosion and sediment control measures.
- O4.6 The licensee must minimise the area of the site that is able to generate suspended material when water runs over it.
- O4.7 Temporary vegetative restabilisation techniques must be applied to any disturbed soil to prevent areas remaining bare for more than 28 days.
- O4.8 Stockpiles must not be placed within 30 metres of any watercourse.

Sediment Basins

- O4.9 Where sediment basins are necessary, all sediment basins and associated drainage must be installed and commissioned prior to the commencement of any clearing or grubbing works within the catchment area of the sediment basin that may cause sediment to leave the site.
- Note: This condition does not apply to those works associated with the actual installation of sediment basins or associated drainage.
- O4.10 Erosion and sediment control measures, including sediment basins, must be designed (stability, location, type and size), constructed, operated and maintained in accordance with the guideline "Managing urban stormwater: soils and construction" Landcom 2004.
 - O4.11 The licensee must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.
 - O4.12 The licensee must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:
 - a) the clear identification of each sediment basin and discharge point;
 - b) the collection of representative samples of the water discharged from the sediment basin(s); and
 - c) access to the sampling point(s) at all times by an authorised officer of the EPA at all reasonable times where safe to do so.
 - O4.13 The licensee must endeavour to maximise the reuse of captured stormwater on the premises.

Dredging

Environment Protection Licence

Licence - 12426

- O4.14 Dredge spoil for beach nourishment must be placed in a manner that minimises the pollution of waters. Where practical the dredge spoil outlet pipe should be positioned at the maximum distance practicable from the high water mark and treated with a dewatering structure to minimise turbidity in the surf zone.

Breakwall and Groyne

- O4.15 For purposes of turbidity control, only clean rock may be used for break wall and groyne construction.

Acid Sulphate Soil

- O4.16 Any acid sulphate soils disturbed during the project must be managed in accordance with the document titled "ACID SULPHATE SOIL MANUAL, ASSMAC 1998".

- O4.17 From the time when the acid sulphate soil is exposed to the atmosphere:

- a) the licensee must complete a log of odour observations. These observations must continue for a duration of 20 consecutive days and be used to assess compliance with the odour condition/s of this licence and to assess the risks of odours impacting residential areas under worst-case wind conditions.
- b) the licensee has 30 days to submit the log of odour observations to the EPA together with an assessment of actual and potential odour impacts on the nearest residential areas.

- O4.18 If the assessment identifies a likely risk of odours impacting residential areas, the licensee must:

- a) minimise the handling of odorous materials near to residential areas, and
- b) locate odorous stockpiles away from residential areas, and
- c) cover stockpiles to reduce the escape of odours to the atmosphere, and
- d) apply odour suppressants such as lime.

Chemical Storage

- O4.19 All fuels, oils, paints and other chemicals stored on site must be contained in a bunded area constructed to comply with the requirements of:

- a) Australian Standard AS 1940-2004: The Storage and Handling of Flammable and Combustible Liquids
- b) Australian Standard AS 4452-1997: The Storage and Handling of Toxic Substances

Sewage

- O4.20 Sewage effluent must not be disposed of on-site.

O5 Other operating conditions

Blasting

- O5.1 Blasting operations at the premises may only take place between 9:00am and 5:00pm Monday to Friday. Where compelling safety reasons exist, the EPA may permit a blast to occur outside the above hours. A prior written request for approval of any such blast must be made to the EPA.

- O5.2 A siren must be activated at the site for 30 seconds at least five minutes prior to each blast. All residents



Environment Protection Licence

Licence - 12426

within a 400 metre radius of a blast must be advised by a letter drop, before blasting operations commence of the likely times, frequency and duration of blasting and precautions being taken to ensure that the limits set in this licence are being complied with.

5 Monitoring and Recording Conditions

M1 Monitoring records

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

M2 Requirement to monitor concentration of pollutants discharged

- M2.1 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 1,2,3

Pollutant	Units of measure	Frequency	Sampling Method
Total Solid Particles	grams per square metre per month	Monthly	Composite sample

M2.3 Water and/ or Land Monitoring Requirements

POINT 8,9

Pollutant	Units of measure	Frequency	Sampling Method
-----------	------------------	-----------	-----------------

Environment Protection Licence

Licence - 12426

Colour (apparent)	Visible	Special Frequency 1	Visual Inspection
Turbidity	nephelometric turbidity units	Special Frequency 1	Probe

POINT 10,11,14

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	Visible	Special Frequency 2	Visual Inspection
pH	pH	Special Frequency 2	Probe
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample
Turbidity	nephelometric turbidity units	Special Frequency 2	Probe

POINT 22,23

Pollutant	Units of measure	Frequency	Sampling Method
BOD	milligrams per litre	Daily during any discharge	Grab sample
Nitrate	milligrams per litre	Daily during any discharge	Grab sample
Nitrogen (ammonia)	milligrams per litre	Daily during any discharge	Grab sample
Oil and Grease	Visible	Daily during any discharge	Visual Inspection
pH	pH	Daily during any discharge	Probe
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample
Turbidity	nephelometric turbidity units	Daily during any discharge	Probe

Note: Special Frequency 1 means:

1. weekly, or
2. daily during construction in the beach zone, wet weather,* or break out.**

* 'wet weather' is defined as 20mm or more of rainfall in a 24 hour period, as measured at the premises.

** 'Break out' means there is water flowing from the premises into the surf zone.

Note: Special Frequency 2 means:

1. daily if turbidity at point 8 or 9 is equal to or greater than 5 nephelometric turbidity units, or
2. weekly if turbidity at point 8 or 9 is less than 5 nephelometric turbidity units.

Environment Protection Licence

Licence - 12426

M3 Testing methods - concentration limits

M3.1 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.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* 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 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- b) 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
- c) 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.

M4 Weather monitoring

M4.1 Rainfall must be measured and recorded in millimetres per 24 hour period, at 9am each day. For the purpose of this licence the Shell Cove project office is considered an acceptable rainfall monitoring location.

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.

Environment Protection Licence

Licence - 12426

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.

M7 Blasting

- M7.1 To determine compliance with conditions of this licence:
- a) Airblast overpressure and ground vibration must be measured and electronically recorded at the:
 - i) Nearest residence at Boolwarroo Pde, Shellharbour Village;
 - ii) Nearest residence on Mary, William or Sophia Streets; and
 - iii) Nearest residence on Whitsunday or Apollo Drives;
 or as otherwise directed by an authorised officer of the EPA for all blasts carried out in or on the premises.
 - b) Instrumentation used to measure the airblast overpressure and ground vibration must meet the requirements of Australian Standard AS 2187.2-2006.
- M7.2 For the purposes of blast monitoring, the following information must be recorded for each blast carried out in or on the premises:
- i) the time and date of each blast;
 - ii) the locations at which the blast was measured;
 - iii) the ground vibration for each blast;
 - iv) the airblast overpressure for each blast;
 - v) evidence that during each 12 month period, a calibration check had been carried out on each blast monitor to ensure accuracy of the reported data; and
 - vi) the waveform for the ground vibration and overpressure for each blast that exceeds a ground vibration of 5mm/sec (peak particle velocity) or an airblast overpressure of 115dB(L).

M8 Requirement to record bypass incidents from sewage treatment plants

- M8.1 When stormwater bypasses and/or overtops any pollution control or erosion and sediment control measure, the licensee must, within 5 days of the incident, provide a brief report to the EPA:
- a) outlining the circumstances that led to the failure, and
 - b) explaining why the measure was not effective, and
 - c) advising the remediation works carried out to prevent a recurrence of the bypass or overtopping.

M9 Other monitoring and recording conditions

Vibration Monitoring

Environment Protection Licence

Licence - 12426

- M9.1 Vibration monitoring must be carried out in accordance with the guidance provided in the Environmental Noise Management Assessing Vibration: A Technical Guideline, published by the Department of Environment and Conservation, February 2006.

Beach Monitoring

- M9.2 Daily during any discharge to the beach, the licensee must carry out visual inspections of the near shore waters including at points 8 and 9. If any visual signs of water pollution appear to extend from the licensed premises to these monitoring locations, all discharges from the premises must be immediately stopped.

Discharges from the premises may only resume when waters at points 8 and 9 are unaffected by the activities of the premises.

Note: This condition does not apply to the natural run-off entering the premises through upstream boundaries and flowing through the premises in "clean water" bypass channels.

Monitoring of Pollution Control Measures

- M9.3 All erosion and sediment control measures installed on the premises must be inspected and works undertaken to repair and/or maintain these controls:
- weekly during normal construction hours outlined in Condition L6.1;
 - daily during periods of rainfall; and
 - within 24 hours of the cessation of a rainfall event causing runoff to occur on or from the premises.

The licensee must record all such inspections including observations and works undertaken to repair and/or maintain erosion and sediment controls.

M10 Noise monitoring

- M10.1 To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below.

POINT 17,18,19

Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period
Day	Weekly	15 minutes	1 operation day

6 Reporting Conditions

Environment Protection Licence

Licence - 12426

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 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.

Environment Protection Licence

Licence - 12426

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 the incident occurred.

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 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 notifications

R4.1 The licensee must immediately notify the EPA Environment Line (Telephone 131555) of any failure and/or over-topping of any erosion or sediment control measure or stormwater management measure.



Environment Protection Licence

Licence - 12426

R5 Other reporting conditions
Planned Flooding of the Boat Harbour

R5.1 Thirty days prior to opening the boat harbour to the sea, the licensee must submit a report outlining the opening procedure aimed at minimising the turbidity plume at the beach during the initial tidal exchanges.

Monthly Report

R5.2 Monthly report

The licensee must provide the EPA with a monthly report containing the following information:

- a) details of all non-compliances with the conditions of this licence and measures taken, or proposed, to prevent a recurrence of such a non-compliance; and
- b) details of all discharges from the sediment basins where the water quality results exceed the limits prescribed by Condition L2.1 including the rainfall measurements to demonstrate compliance; and
- c) details of all noise monitoring results as prescribed by Condition M2.4; and
- d) details of all air monitoring results as prescribed by Condition M2.2; and

The report referred to in this condition must be received by the EPA within 10 working days of the end of each month.

7 General Conditions

G1 Copy of licence kept at the premises or plant

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

G2 Other general conditions

G2.1 Completed Programs

Program	Description	Completed Date
---------	-------------	----------------

Environment Protection Licence

Licence - 12426

PRP 1 - Assessment & Control of Odours from the exposure of Old Landfill

The aim of this PRP is to determine whether there is a potential odour problem for nearby residential areas and if so to design and implement measures to minimise the impacts of the odours.

30-October-2007

8 Special Conditions

E1 Boat Harbour connection to marine waters

E1.1 BACKGROUND

The Licensee is proposing to connect the boat harbour to coastal waters. De-watering will cease and the Sand Bund Plug will remain in place. The boat harbour will fill via natural infiltration and filling is expected to take approximately 7-14 days. Once the agreed water quality standards within the boat harbour are achieved, the licensee will initiate removal of the sand bund plug.

CONDITIONS

E1.2 The Licensee must advise the EPA at least seven days prior to ceasing de-watering of the boat harbour.

E1.3 Once the water level in the boat harbour is equal to the water level in the ocean the Licence must undertake a water quality monitoring program within the boat harbour

E1.4 Water Quality Monitoring Locations

The following monitoring points referred to in the table are identified for the purposes of the monitoring locations as part of the water quality monitoring program.

EPA Identification No.	Type of Monitoring Point	Locaiton Description
24	Water Quality Monitoring	Centre of Inner Harbour
25	Water Quality Monitoring	Mid channel Outer Harbour
26	Water Quality Monitoring	Ocean (eastern) end of the Groyne

E1.5 Water Quality Monitoring Standards

For each monitoring point specified in E1.4 the concentration limit standard for each pollutant is the concentration that must be achieved to permit Sand Bund Plug removal and connection of the boat harbour to marine waters.

Points 24, 25

Pollutant	Units of Measure	80th Percentile Concentration Standard	100th Percentile Concentration Standard
Total Suspended Solids	milligrams per litre		30
Oil and Grease	Visible		Not Visible

Environment Protection Licence

Licence - 12426

pH	pH	6.0 to 8.5
Dissolved Oxygen	Percent saturation	80 to 110 percent
Total Phosphorous	micrograms per litre	70
Total Nitrogen	micrograms per litre	650

E1.6 Water Monitoring Requirements and Frequency

For each monitoring point specified in E1.4 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:

Points 24, 25

Pollutant	Units of Measure	Frequency	Sampling Method
Total Suspended Solids	milligrams per litre	Twice weekly	Grab Sample
Oil and Grease	Visible	Twice weekly	Visual Inspection
pH	pH	Twice Weekly	Probe
Dissolved Oxygen	% saturation	Twice weekly	Grab Sample
Total Phosphorous	micrograms per litre	Twice weekly	Grab Sample
Total Nitrogen	micrograms per litre	Twice weekly	Grab Sample
Enterococci	Colony forming units per 100 millilitres	Weekly	Grab Sample

E1.7 Samples required by Condition E1.6 above must be collected at two different depths. One sample must be collected from surface waters. The second sample must be collected at a depth near the harbour floor or at least 3.5m below the surface level.

E1.8 To provide a satisfactory water quality sample group, samples required by Condition E1.6 above must be collected for a minimum period of six weeks before the boat-harbour is connected to coastal waters.

Note: During this period flexibility is granted to provide inflow of coastal waters by a small breach in the sand bund or by pumping ocean water via pipeline to the inner harbour.

E1.9 At the completion of the minimum sampling period outlined in Condition E1.8, the Licensee must provide a report in writing to the EPA presenting the water quality data.

- Where the water quality standards have been achieved the Licensee must advise the EPA how it proposes to progress the connection of the boat harbour to marine waters.
- Where the water quality standards have not been achieved, the Licensee must outline why the water quality standards were not achieved and its proposed recommendations regarding actions that will be taken to achieve the specified water quality standard.

E1.10 The Licensee must notify the EPA seven days prior to initiating the removal of the sand bund.

E1.11 The Licensee must maintain two separate silt curtains across the access channel during the water quality monitoring period and during connection of the boat harbour to the coastal environment



Environment Protection Licence

Licence - 12426

- E1.12 During the connection phase the Licensee must undertake daily monitoring at the ocean end of the groyne for colour and turbidity at proposed Monitoring Point MP26.
- E1.13 Reference is made to Licence Condition M2.3 Special Frequency monitoring at MP8 and MP9. During connection of the boat harbour to marine waters (construction in the beach zone) daily monitoring must be undertaken at MP8 and MP9
- E1.14 Water Quality Monitoring Standards

Where turbidity levels exceed 5 NTU at MP8 or MP9 the Licensee must:

- a. Investigate the cause
- b. Implement measures to minimise impact on the bathing area
- c. Modify activities until effective controls are implemented.
- d. Report the trigger level exceedance to the EPA.

Points MP8, MP9

Pollutant	Units of MEasure	100th percentile concentration trigger level
Colour (apparent)	Visible	Not visible
Turbidity	nephelometric turbidity units	5

Environment Protection Licence

Licence - 12426

Dictionary

General Dictionary

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

Environment Protection Licence

Licence - 12426

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



Environment Protection Licence

Licence - 12426

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

Mr Paul Wearne

Environment Protection Authority

(By Delegation)

Date of this edition: 13-April-2006

Environment Protection Licence

Licence - 12426

End Notes

- 1 Licence varied by notice 1067984, issued on 17-Jan-2007, which came into effect on 17-Jan-2007.
- 2 Licence varied by notice 1074555, issued on 21-Aug-2007, which came into effect on 21-Aug-2007.
- 3 Licence varied by notice 1110458, issued on 31-Mar-2010, which came into effect on 31-Mar-2010.
- 4 Licence varied by notice 1504261 issued on 20-Feb-2012
- 5 Licence varied by notice 1510205 issued on 21-Dec-2012
- 6 Licence varied by notice 1516628 issued on 09-Sep-2013
- 7 Licence varied by notice 1521034 issued on 17-Apr-2014
- 8 Licence transferred through application 1522413 approved on 29-May-2014 , which came into effect on 30-May-2014
- 9 Licence varied by notice 1527107 issued on 16-Dec-2014
- 10 Licence varied by notice 1530908 issued on 01-Jun-2015
- 11 Licence varied by notice 1532608 issued on 04-Aug-2015
- 12 Licence varied by notice 1533646 issued on 07-Sep-2015
- 13 Licence varied by notice 1535754 issued on 19-Nov-2015
- 14 Licence varied by notice 1542327 issued on 08-Jul-2016
- 15 Licence varied by notice 1544184 issued on 01-Sep-2016
- 16 Licence varied by notice 1549130 issued on 09-Feb-2017
- 17 Licence varied by notice 1552569 issued on 20-Jul-2017
- 18 Licence varied by notice 1559396 issued on 11-Dec-2017
- 19 Licence varied by notice 1562106 issued on 28-Feb-2018
- 20 Licence varied by notice 1583291 issued on 09-Aug-2019
- 21 Licence varied by notice 1587205 issued on 28-Oct-2019
- 22 Licence varied by notice 1597751 issued on 21-Oct-2020