

Licence Variation

Licence - 21562



LUDDENHAM OPERATIONS PTY LTD
LEVEL 5, 2 GROSVENOR STREET
BONDI JUNCTION NSW 2022

Attention: Harry Scarlis

Notice Number 1629680
File Number EF21/8244
Date 18-Aug-2023

NOTICE OF VARIATION OF LICENCE NO. 21562

BACKGROUND

- A. LUDDENHAM OPERATIONS PTY LTD ("the licensee") is the holder of Environment Protection Licence No. 21562 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at 275 ADAMS ROAD, LUDDENHAM, NSW, 2745 ("the premises").
- B. On 05-Jun-2023 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. The licensee has requested variation to allow controlled trial discharge of accumulated quarry water to the nearby Oaky Creek through discharge campaigns over an 8 month period.
- D. The licensee holds Modification 5 of development consent DA315-7-2003. The consent condition 23 does not permit any off-site discharge of water except approved under the EPL, and following approval of the discharge characterisation and water pollution impact assessment (DCWP) in accordance with Condition 25.

Condition 25 - Prior to any discharge from the quarry water management system to Oaky Creek, the applicant must prepare a discharge characterisation and water pollution impact assessment for the development to the satisfaction of the planning secretary.

- E. The EPA reviewed and responded to several version of DCWP and statement of Environmental Effects (SEE) in consultation with the Department of Planning and Environment (DPE).
- F. On 11 May 2023 the EPA wrote to DPE stating that it would not object to a discharge trial program and that the discharge process would be best managed through the EPL (refer to DOC23/229370-11).
- G. On 25 May 2023 the NSW Department of Planning and Environment granted the Licensee conditional approval to undertake a trial water discharge program based on DCWP (Version 5) dated April 2023, and considered the advice provided by both the EPA and DPE Water Group subject to conditions (refer to DA315-2003-PA-11).

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- H. Conductivity levels of the water within the quarry void have been identified by the Licensee as exceeding chronic trigger thresholds for ANZECC (2000). To address conductivity levels the Licensee has proposed to discharge water from the quarry void only during wet weather events.
- I. The Licensee has proposed a series of "discharge campaigns", being a defined period of time when a continuous discharge occurs following rainfall of 15mm per day. Continuous discharge is defined as ongoing discharge of water, with up to 24 hours between active pumping to allow for overnight breaks and equipment repairs.
- J. Monitoring Points 9, 10 and 11 and Discharge Point 12 (Trial) and have been added to the Licence to allow the trial to occur.
- K. The discharge program is a trial only, providing an eight (8) month period to capture uncertain weather and rainfall conditions.
- L. The trial would commence from the date of notification of the first discharge by the Licensee. At the end of the trial period the Licensee must cease discharges from the quarry void and provide a report to the EPA on the trial discharge program.
- M. The draft variation does not permit the Licensee to discharge water off-site until the variation is finalised, wet weather rainfall scenario (15 mm/day) is met and automated real-time monitoring device(s) are installed upstream and down stream of the proposed discharge point.
- N. The EPA has taken into account the objectives of the Act including Section 45 of the POEO.

VARIATION OF LICENCE NO. 21562

- 1. By this notice the EPA varies licence No. 21562. 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:
 - A2.2 Revised map attached.
 - P1.1 Trial Discharge and Monitoring Points added
 - P1.2 Trial Discharge Condition added
 - L2.4 Trial Concentration Limits added for Point 9, Point 10 and Point 12
 - L2.5 Trial Rainfall Condition added
 - L2.6 Trial Concentration limit to stop discharges when limit of 2100um/cm reached at Point 10.
 - L3 Noise Conditions numbering changes. With the addition of the trial discharge conditions the numbering of other conditions changed.
 - M2.2 Trial monitoring requirements for Point 9, 10 and 11 added.
 - M2.3 requirement for grab samples at Point 10 and 11
 - M4.1 to M4.3 Rainfall monitoring conditions added
 - Condition E1 - Special Condition Trial Discharge Campaign added.

Licence Variation



Chris Kelly

Chris Kelly

A/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

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Licence Details	
Number:	21562
Anniversary Date:	30-August

Licensee
LUDDENHAM OPERATIONS PTY LTD
LEVEL 5, 2 GROSVENOR STREET
BONDI JUNCTION NSW 2022

Premises
LUDDENHAM QUARRY
275 ADAMS ROAD
LUDDENHAM NSW 2745

Scheduled Activity
Crushing, grinding or separating
Extractive activities
Mining for minerals

Fee Based Activity	Scale
Crushing, grinding or separating	> 100000-500000 T annual processing capacity
Extractive activities	> 100000-500000 T annually extracted or processed
Mining for minerals	> 100000-500000 T annual production capacity

Contact Us
NSW EPA
6 Parramatta Square
10 Darcy Street
PARRAMATTA NSW 2150
Phone: 131 555
Email: info@epa.nsw.gov.au
Locked Bag 5022
PARRAMATTA NSW 2124



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Information about this licence

Dictionary

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

Responsibilities of licensee

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

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

Variation of licence conditions

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

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

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

Duration of licence

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

Licence review

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

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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



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The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

LUDDENHAM OPERATIONS PTY LTD
LEVEL 5, 2 GROSVENOR STREET
BONDI JUNCTION NSW 2022

subject to the conditions which follow.



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1 Administrative Conditions

A1 What the licence authorises and regulates

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

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

Scheduled Activity	Fee Based Activity	Scale
Crushing, grinding or separating	Crushing, grinding or separating	> 100000 - 500000 T annual processing capacity
Extractive activities	Extractive activities	> 100000 - 500000 T annually extracted or processed
Mining for minerals	Mining for minerals	> 100000 - 500000 T annual production capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
LUDDENHAM QUARRY
275 ADAMS ROAD
LUDDENHAM
NSW 2745
LOT 3 DP 623799

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

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A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

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

- 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 are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
9	Water quality monitoring (Trial)		Quarry Void labelled as 'S1' in Figure 5 of the Statement of Environmental Effects (Revision 5) - Pg 27 - EPA DOC23/529957-2
10	Water Quality Monitoring (continuous)		Automated continuous real-time monitoring in Oaky Creek - located downgradient of Discharge Point 9. Identified in Figure 3 of the Statement of Environmental Effects (Revision 5) - Pg 27 EPA DOC23/529957-2
11	Water Quality Monitoring (continuous)		Automated continuous real-time monitoring in Oaky Creek - located upgradient of Discharge Point 9. Identified in Figure 3 of Statement of Environmental Effects (Revision 5) - Pg 27 - EPA DOC23/529957-2
12	Water quality monitoring and discharge point (Trial)	Water quality monitoring and discharge point (Trial)	Discharge Point direct from quarry void to Oaky Creek. Located on the northeast side of the premises. Labelled as 'D1' in Figure 5 of the Statement of Environmental Effects (Revision 5) - Pg29 - EPA DOC23/529957-2/

- P1.2 The trial discharge of water accumulated in the quarry void at the premises is being conducted under a conditional approval granted by the NSW Department of Planning and Environment subject to development consent DA315-7-2003. The trial is to be undertaken for a limited time (maximum 8 months) and includes defined goals and performance criteria set out within the licence.

- P1.3 The following points referred to in the table below are identified in this licence for the purposes of weather



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and/or noise monitoring and/or setting limits for the emission of noise from the premises.

Noise/Weather

EPA identi- fication no.	Type of monitoring point	Location description
1	Noise monitoring	2161-2177 Elizabeth Drive, Luddenham
2	Noise monitoring	2111-2141 Elizabeth Drive, Luddenham
3	Noise monitoring	285 Adams Road, Luddenham
4	Noise monitoring	5 Anton Road, Luddenham
5	Noise monitoring	185 Adams Road, Luddenham
6	Noise monitoring	225 Adams Road, Luddenham
7	Noise monitoring	161 Adams Road, Luddenham
8	Noise monitoring	2510-2550 Elizabeth Drive, Luddenham

3 Limit Conditions

L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.
- L2 Concentration limits
 - L2.1 For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
 - L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
 - L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.
 - L2.4 Water and/or Land Concentration Limits



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POINT 9

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Conductivity	microsiemens per centimetre				4300
Oil and Grease	Visible				Not visible
pH	pH				6.5-8.8
Turbidity	nephelometric turbidity units				50

POINT 10

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Conductivity	microsiemens per centimetre				2100
pH	pH				6.5-8.5

POINT 12

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Conductivity	microsiemens per centimetre				4300
pH	pH				6.5-8.8
Turbidity	nephelometric turbidity units				50

- L2.5 Discharges from Discharge Point 12 must not occur until a rainfall of event of at least 15 millimetres in a day has occurred.
- L2.6 Discharges from Discharge Point 12 must immediately cease when conductivity at Monitoring Point 10 reaches 2,100 micro-siemens per centimetre.

L3 Noise limits

- L3.1 Noise generated at the premises that is measured at each noise monitoring point established under this



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licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

POINT 1

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	LAeq (15 minute)	2 times a year	41

POINT 2

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	LAeq (15 minute)	2 times a year	43

POINT 3

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	LAeq (15 minute)	2 times a year	53

POINT 4

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	LAeq (15 minute)	2 times a year	46

POINT 5

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	LAeq (15 minute)	2 times a year	45

POINT 6

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	LAeq (15 minute)	2 times a year	52



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POINT 7

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	L _{Aeq} (15 minute)	2 times a year	41

POINT 8

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	L _{Aeq} (15 minute)	2 times a year	41

Note: EPA Identification No. 4 and 7 are entitled to negotiated agreement under the *Voluntary Land Acquisition and Mitigation Policy*. Where negotiated agreements are in place noise limits will not apply.

L3.2 For the purposes of Condition L3.1:

a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.

L3.3 Noise-enhancing meteorological conditions

- a) The noise limits set out in Condition L3.1 apply under the meteorological conditions in the table below.
b) For those meteorological conditions not referred to in the table below, the noise limits that apply are the noise limits in Condition L3.1 plus 5dB.

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

L3.4 For the purposes of Condition L3.3:

- a) The meteorological conditions are to be determined from the meteorological weather station identified as BoM monitoring point at Badgerys Creek.
b) Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017):
i. Use of sigma-theta data (section D1.4).

L3.5 To assess compliance:

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a) with the LAeq(15 minutes) noise limits in Condition L3.1 and L3.3, the noise measurement equipment must be located:

- (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
- (ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
- (iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
- (iv) at any other location identified in Condition L3.1.

b) with the LAeq(15 minutes) noise limits in Condition L3.1 and L3.3, the noise measurement equipment must be located:

- (i) at the reasonably most affected point at a location where there is no residence at the location; or,
- (ii) at the reasonably most affected point within an area at a location prescribed by Condition L3.5 (a).

c) with the LAeq(15 minutes) noise limits in Condition L3.1 and L3.3, where it can be demonstrated that direct measurement of noise from a relevant monitoring point is impractical, the EPA may accept alternative means of determining compliance as per Chapter 7 of the NSW Noise Policy for Industry.

L3.6 A non-compliance of Conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in Condition L3.5 (a) or L3.5 (b).

Note: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L3.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L3.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L3.9 The following definitions apply to this licence:

a) Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the NSW Environment Protection Authority in October 2017.

b) Noise – 'sound pressure levels' for the purposes of Conditions L3.1 to L3.8.

- LAeq (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 Acoustics: description and measurement of environmental noise).
- LAFmax – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 Electroacoustics - Sound level meters - Part 1: Specifications set to 'A' frequency weighting and fast time weighting.

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L4 Hours of operation

- L4.1 All works carried out as part of the scheduled activity are restricted to between the hours of 7:00am and 6:00pm Monday to Friday. Maintenance activities may be carried out between 7:00am and 1:00pm on Saturdays.

L5 Potentially offensive odour

- L5.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

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

- L5.2 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

- O1.1 Licensed activities must be carried out in a competent manner.
This includes:
- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

- O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
- a) must be maintained in a proper and efficient condition; and
 - b) must be operated in a proper and efficient manner.

O3 Dust

- O3.1 All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollutants from the premises.
- O3.2 The premises must be maintained in a manner that prevents and minimises the emission of air pollutants from the premises.



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O4 Other operating conditions

- O4.1 Blasting is not permitted on or within any part of the premises.
- O4.2 The wet suppression system on the crushing plant must be utilised as necessary when crushing operations are being conducted to ensure compliance with Condition O3.1.
- O4.3 Water collected in the Water Management Dam must not be discharged to waterways.
- O4.4 Water collected in the quarry pit must only be discharged in accordance with the Trial Discharge Campaign - Condition E1.

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 Water and/ or Land Monitoring Requirements

POINT 9

Pollutant	Units of measure	Frequency	Sampling Method
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Conductivity	microsiemens per centimetre	Daily during any discharge	Probe
Oil and Grease	Visible	Daily during any discharge	Visual Inspection
pH	pH	Daily during any discharge	Probe
Turbidity	nephelometric turbidity units	Daily during any discharge	Probe

POINT 10,11

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium (total)	milligrams per litre	Quarterly	Grab sample
Chromium (total)	milligrams per litre	Quarterly	Grab sample
Conductivity	microsiemens per centimetre	Continuous	Probe
Copper (total)	milligrams per litre	Quarterly	Grab sample
Lead (total)	milligrams per litre	Quarterly	Grab sample
pH	pH	Continuous	Probe
Selenium (total)	milligrams per litre	Quarterly	Grab sample
Total dissolved solids	milligrams per litre	Continuous	Probe
Total suspended solids	milligrams per litre	Quarterly	Grab sample
Turbidity	nephelometric turbidity units	Quarterly	Grab sample
Zinc (total)	milligrams per litre	Quarterly	Grab sample

POINT 12

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Daily during any discharge	Probe
pH	pH	Daily during any discharge	Probe
Turbidity	nephelometric turbidity units	Daily during any discharge	Probe

M2.3 Quarterly grab sample monitoring undertaken at Point 10 and 11 must include conductivity, pH and total dissolved solids.

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.

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M4 Environmental monitoring

- M4.1 The licensee is required to install and maintain a rainfall depth measuring device.
- M4.2 Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day.
- M4.3 Rainfall data collected at the premises must be correlated with rainfall data from the Badgerys Creek Bureau of Meteorology Automated Weather Station (station 067108).

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 three months after the date of the issue of this licence.

M7 Noise monitoring

- M7.1 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.



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POINT 1,2,3,4,5,6,7,8

Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period
Day	2 times a year	30 minutes	2 consecutive operation days

M7.2 A noise monitoring plan must be prepared to demonstrate how noise monitoring will be undertaken to establish the noise contribution from the premises in the presence of all other extraneous noise, including noise from other developments.

6 Reporting Conditions

R1 Annual return documents

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
1. a Statement of Compliance,
 2. a Monitoring and Complaints Summary,
 3. a Statement of Compliance - Licence Conditions,
 4. a Statement of Compliance - Load based Fee,
 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
 7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

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

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

- R1.3 Where this licence is transferred from the licensee to a new licensee:
- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

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

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

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- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

- R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
 - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

- R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

- R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.

R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- a) where this licence applies to premises, an event has occurred at the premises; or
 - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
 - b) the type, volume and concentration of every pollutant discharged as a result of the event;
 - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
 - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

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- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

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

R4 Other reporting conditions

R4.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the bi-annual monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L3.1 and L3.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L3.1 and L3.3.

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.

8 Special Conditions

E1 Trial Discharge Campaign

E1.1 BACKGROUND

The EPA received an application for the licence variation to permit the controlled discharge of water accumulated in the quarry void to Oaky Creek. The licence did not contain a discharge point that permitted the off-site discharge of water.

Modification 5 of development consent DA315-7-2003 (the Consent), did not permit the premises to discharge any water from the premises, except as otherwise approved under an EPL and following approval of a Discharge Characterisation and Water Pollution Impact Assessment (DCWPIA) in accordance with condition 25 of said Consent.

On 25 May 2023 the NSW Department of Planning and Environment granted the Licensee conditional

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approval to undertake a trial water discharge program to assess the modelling and performance criteria provided by the Licensee's DCWPIA

E1.2 DISCHARGE TRIAL

The Licensee will undertake a trial water discharge program for a period of up to eight (8) months in an attempt to reduce the volume of water accumulated in the quarry void at the premises.

Conductivity levels of the water within the quarry void have been identified by the Licensee as exceeding chronic trigger thresholds for ANZECC (2000). To address conductivity levels the Licensee has proposed to discharge water from the quarry void only during wet weather events.

The Licensee is proposing a series of "discharge campaigns", being a defined period of time when a continuous discharge occurs following rainfall of 15mm per day. Continuous discharge is defined as ongoing discharge of water, with up to 24 hours between active pumping to allow for overnight breaks and equipment repairs.

Monitoring Points 9, 10 and 11 and Discharge Point 12 (Trial) have been added to the Licence to allow the trial to occur.

The discharge program is a trial only, providing an eight (8) month period to capture uncertain weather and rainfall conditions. The trial would commence from the date of notification of the first discharge by the Licensee. At the end of the trial period the Licensee must cease discharges from the quarry void and provide a report to the EPA on the trial discharge program.

E1.3 Discharges from Discharge Point 12 must:

- (a) not commence until a rainfall event of 15 millimetres per day occurs, and
- (b) a water characterisation sample for the quarry void confirms compliance with the water concentration limit for Discharge Point 12. The water characterisation sample must be analysed at a NATA-accredited laboratory.

E1.4 Discharges from Discharge Point 12 must immediately cease when conductivity at Monitoring Point 10 reaches 2,100 micro-siemens per centimetre.

E1.5 Discharges from Discharge Point 12 must occur during operating hours, which is 7am to 6pm Monday to Friday and 7am to 1pm on Saturday.

E1.6 Continuous automated real-time water monitoring probes for Monitoring Points 10 and 11 must be installed prior to any discharge occurring from the premises.

E1.7 The automated real-time monitoring devices must be installed in accordance with the site plan Figure 3 of the Statement of Environmental Effects (Revision 5) - EPA DOC23/529957-2

E1.8 The Licensee must ensure there is sufficient energy dissipation or mitigation measures in place for the discharge from Discharge Point 12 to Oaky Creek, to prevent the risk of erosion.

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E1.9 WATER QUALITY REPORTING

(a) For monitoring undertaken in accordance with Condition M2.2, the licensee must submit a monthly monitoring report to the EPA (at the end of each calendar month) which includes;

- (1) rainfall data;
- (2) all monitoring data for Points 9, 10, 11 and 12;
- (3) quarry void characterisation samples;
- (4) premises operational parameters;
- (5) discharge periods based on rainfall event(s): and
- (6) any other data relevant to the discharge program.

(b) The report must include a comparison of the monitoring result with ANZECC 2000 assessment criteria for samples undertaken quarterly and any exceedances which were recorded.

(c) Where any exceedances is recorded, the licensee must immediately notify the EPA and provide details of the nature and source of exceedance, actions undertaken to prevent the exceedance as well as the actions implemented to prevent future exceedances.

E1.10 The Licensee must establish a weekly photo point monitoring location downgradient of Discharge Point 12, prior to commencing the trial discharge, to monitor erosion mitigation controls.



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Dictionary

General Dictionary

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

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



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

Ms Elizabeth Watson

Environment Protection Authority

(By Delegation)

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End Notes