



DOC17/565285-02:WD
Your Ref.

Registered Post
Nick Chalk, Civil Engineer
Coastwide Civil Pty Ltd
PO Box 116
KIAMA NSW 2533

Dear Nick

Section 58 Notice 1559396 Issued 11 December 2017

Please find attached a copy of Section 58 Notice 1559396 which was issued on 11 December 2017.

The background to the issue of the notice is described on pages 1-2 points a) to i). The changes made to Environment Protection Licence 12426 are summarised on page 2 of the notice.

A copy of the draft notice was provided to Coastwide Civil Pty Ltd on 4 December 2017 for review, and Coastwide Civil confirmed on 11 December 2017 that you agreed to the terms of the notice.

Please contact the designated officer if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Greg Newman', written over a blue horizontal line.

GREG NEWMAN 12.12.17
Acting Manager Regional Operations Illawarra
Environment Protection Authority

Contact: William Dove (02) 4224 4100



Licence Variation

Licence - 12426



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

Attention: Mr Nick Chalk

Notice Number 1559396
File Number EF14/23522
Date 11-Dec-2017

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 15-Nov-2017 the Environment Protection Authority (EPA) received an application for the variation of the licence. The licensee requested that:
 - The premises, as defined by Condition A2.1 and A2.2, be amended to remove Precinct E, an area being prepared for residential release and no longer required for construction purposes,
 - The location of air monitoring point 3 and noise monitoring point 19, as defined by Condition P1.1 and Condition P1.4, respectively, be amended to reflect the nearest sensitive receivers, and
 - Water monitoring/discharge points 7, 11 and 12, as defined by Condition P1.3, be removed from the licence as they are no longer required for construction purposes.
- C. On 7 November 2017, the EPA inspected the premises with the licensee. The inspection confirmed that:
 - Precinct E is being prepared for residential release and is no longer required for scheduled development works,
 - Air monitoring point 3 and noise monitoring point 19 no longer reflect the nearest sensitive receivers,
 - Water monitoring/discharge point 7 is no longer required for construction purposes and any discharge reports to point 22 downstream, and
 - Water monitoring/discharge points 11 and 12 are still required for construction purposes, until such time as the northern diversion channel is closed.

Licence Variation



- D. The EPA has amended the premises, as defined by Condition A2.1 and A2.2, to remove Precinct E.
- E. The EPA has amended the location of air monitoring point 3 and noise monitoring point 19, as defined by Condition P1.1 and Condition P1.4, respectively.
- F. The EPA has removed water monitoring/discharge point 7, as defined by Condition P1.3 and related water concentration limits and monitoring requirements at Condition L2.4 and Condition M2.3, respectively.
- G. A draft notice, prepared under the Act, which incorporated the proposed amendments was provided to the licensee on 4 December 2017.
- H. The licensee confirmed via email dated 11 November 2017, they accepted the terms of the draft notice.
- I. The EPA has taken into account the objects of the Act and the relevant factors listed in section 45 of that Act.

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:
 - The premises has been amended at Condition A2.1 and A2.2,
 - The location of air monitoring point 3 and noise monitoring point 19 have been amended at Condition P1.1 and Condition P1.4, respectively,
 - Water monitoring/discharge point 7 has been removed from the licence at Condition P1.3,
 - Water concentration limits for point 7 have been removed from the licence at Condition L2.4, and
 - Water monitoring requirements for point 7 have been removed from the licence at Condition M2.3.

William Dove 11 December 2017

William Dove
Unit Head Regulation
Metropolitan - Illawarra
(by Delegation)

INFORMATION ABOUT THIS NOTICE

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

Licence Variation

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

Appeals against this decision

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

When this notice begins to operate

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

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	
Boat mooring and storage	Scale 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	



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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:

COASTWIDE CIVIL PTY LIMITED

PO BOX 116

KIAMA NSW 2533

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 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 In relation to Condition A2.1, the premises is defined by the 'Boundary of Stage 2 Boatharbour Development' on site drawing 'Shell Cove Boatharbour (Stage 2) Boundary of Boatharbour Development Plan,' drawing number 301015-02681-MA-DWG-0002, revision 5 and dated 14 November 2017 and prepared by Worley Parsons.

Note: The 'Shell Cove Boatharbour (Stage 2) Boundary of Boatharbour Development Plan' is maintained on file EF14/23522 at the EPA Illawarra Office.

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A3 Information supplied to the EPA

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

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

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

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.

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

- 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
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8	Water quality monitoring	Surf zone 100m south of groynes E 305215 N 6170407
9	Water quality monitoring	Surf zone 100m north of breakwater E 305007 N 6170908
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
12	Water quality monitoring	Shellharbour Swamp Discharge into near shore zone E 304960 N 6170650
14	Water quality monitoring	Landscape mound Runoff into premises from south E 304893 N 6169904
20	Water quality monitoring	Beach zone rectangular pond Discharge into near shore zone E 304944 N 6170483
21	Water quality monitoring	Southern Channel Downstream of Precinct B1 and C1 E 304664 N 6170430
22	Discharge to waters Water quality monitoring	Harbour Excavation Discharge into southern diversion channel E304707 N6170437
23	Discharge to waters Water quality monitoring	Outer Harbour Excavation Discharge into southern diversion channel E304790 N6170424
24	Discharge to waters Water quality monitoring	Landscape Mound (stage two) E304750 N6169641

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

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EPA identification no.	Type of monitoring point	Location description
17	Noise monitoring	Nearst residence at Boolwarroo Pde, Shellharbour Village
18	Noise monitoring	Nearst residence on Mary, William or Sophia Streets
19	Noise monitoring	Nearst residence on Marina Drive

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.

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 22,23,24

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

POINT 22,23

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit

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pH	pH	4.0-8.5			
POINT 22,23,24					
Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Total suspended solids	milligrams per litre				50
POINT 24					
Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
pH	pH				6.5-8.5

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.

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

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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:

- implement all feasible and practical measures to minimise the impact on affected residents, and
- provide information to potentially affected residents about times when vibration is planned to occur, and
- monitor vibration levels in accordance with the noise monitoring conditions of this licence, and
- 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 licence are:

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

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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

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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 rehabilitation 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 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

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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:

- 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.
- 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:

- minimise the handling of odorous materials near to residential areas, and
- locate odorous stockpiles away from residential areas, and
- cover stockpiles to reduce the escape of odours to the atmosphere, and
- 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:

- Australian Standard AS 1940-2004: The Storage and Handling of Flammable and Combustible Liquids
- 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

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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:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- 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

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M2.3 Water and/ or Land Monitoring Requirements

POINT 8,9,12,20

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 12,20

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

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
Turbidity	nephelometric turbidity units	Daily during any discharge	Probe

POINT 22,23,24

Pollutant	Units of measure	Frequency	Sampling Method

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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

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, 9 or 12 is equal to or greater than 5 nephelometric turbidity units, or
2. weekly if turbidity at point 8, 9 or 12 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.

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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:

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

- Airblast overpressure and ground vibration must be measured and electronically recorded at the:
 - Nearest residence at Boolwarroo Pde, Shellharbour Village;
 - Nearest residence on Mary, William or Sophia Streets; and
 - Nearest residence on Whitsunday or Apollo Drives;

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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:

- the time and date of each blast;
- the locations at which the blast was measured;
- the ground vibration for each blast;
- the airblast overpressure for each blast;
- 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
- 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:

- outlining the circumstances that led to the failure, and
- explaining why the measure was not effective, and
- 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

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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

R1 Annual return documents

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

- a Statement of Compliance,
- a Monitoring and Complaints Summary,
- a Statement of Compliance - Licence Conditions,
- a Statement of Compliance - Load based Fee,
- a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
- a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
- 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.

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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:

- 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
- 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:

- in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- 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:

- the licence holder; or
- 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:

- where this licence applies to premises, an event has occurred at the premises; or
- where this licence applies to vehicles or mobile plant, an event has occurred in connection with the

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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:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;
- 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;
- 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;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- 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:

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- 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
 - 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
 - details of all noise monitoring results as prescribed by Condition M2.4; and
 - 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

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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 composite 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

Mr Paul Wearne

Environment Protection Authority

(By Delegation)

Date of this edition: 13-April-2006

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End Notes

- Licence varied by notice 1067984, issued on 17-Jan-2007, which came into effect on 17-Jan-2007.
- Licence varied by notice 1074555, issued on 21-Aug-2007, which came into effect on 21-Aug-2007.
- Licence varied by notice 1110458, issued on 31-Mar-2010, which came into effect on 31-Mar-2010.
- Licence varied by notice 1504261 issued on 20-Feb-2012
- Licence varied by notice 1510205 issued on 21-Dec-2012
- Licence varied by notice 1516628 issued on 09-Sep-2013
- Licence varied by notice 1521034 issued on 17-Apr-2014
- Licence transferred through application 1522413 approved on 29-May-2014, which came into effect on 30-May-2014
- Licence varied by notice 1527107 issued on 16-Dec-2014
- Licence varied by notice 1530908 issued on 01-Jun-2015
- Licence varied by notice 1532608 issued on 04-Aug-2015
- Licence varied by notice 1533646 issued on 07-Sep-2015
- Licence varied by notice 1535754 issued on 19-Nov-2015
- Licence varied by notice 1542327 issued on 08-Jul-2016
- Licence varied by notice 1544184 issued on 01-Sep-2016
- Licence varied by notice 1549130 issued on 09-Feb-2017
- Licence varied by notice 1552569 issued on 20-Jul-2017

