

## **Appendix E**

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CoA & EPL Reference



CoA/EPL number	CoA/SoC	Relevant Section of OEMP
CoA 9	<p>The Proponent must submit a Pre-Operation Compliance Report to the Director-General at least four weeks before Operation commences (or within any other time agreed to by the Director-General).</p> <p>The Pre-Operation Compliance Report must include:</p> <ul style="list-style-type: none"> <li>a) details of how the CoA and SoC required to be addressed before Operation were complied with</li> <li>b) the time when each relevant CoA and SoC was complied with, including dates</li> <li>c) submission of any required reports and/or approval dates and,</li> <li>d) details of any approvals or licences issued by Relevant Government Departments for the Project's Operation.</li> </ul> <p>The Pre-Operation Compliance Report must be made Publicly Available.</p>	OEMP Section 8.1.1
CoA 11	<p>An Environmental Impact Audit Report - Construction must be prepared and submitted to the Director-General a maximum three months after Construction is complete (or at any other time interval agreed to by the Director-General). The Environmental Impact Audit Report – Construction must also be submitted to Relevant Government Departments upon the request of the Director-General.</p> <p>The Environmental Impact Audit Report – Construction must:</p> <ul style="list-style-type: none"> <li>a) identify the major environmental controls used during Construction and assess their effectiveness (the assessment of effectiveness should be based on a comparison of actual impacts against performance criteria identified in the CEMP)</li> <li>b) identify any innovations in Construction methodology used to improve environmental management and,</li> <li>c) discuss the lessons learnt during Construction, including recommendations for future Projects.</li> </ul> <p>The Environmental Impact Audit Report Construction must be made Publicly Available.</p>	OEMP Section 8.1.1

CoA 12	<p>An Environmental Impact Audit Report - Operation must be submitted to the Director-General a maximum 12 months after the Project begins Operation and at any additional periods that the Director-General may require. The Environmental Impact Audit Report - Operation must also be submitted to Relevant Government Departments at the request of the Director-General.</p> <p>The Environmental Impact Audit Report - Operation must:</p> <ol style="list-style-type: none"> <li>a) compare the Operation impact predictions made in the EA, Submissions Report and any supplementary studies with the actual impacts;</li> <li>b) assess the effectiveness of implemented mitigation measures and safeguards</li> <li>c) assess compliance with the systems for operation maintenance and monitoring (as required by this approval)</li> <li>d) discuss the results of consultation with the local community particularly any feedback or complaints; and</li> <li>e) be certified by an independent person at the Proponent's expense. The certifier must be advised to the Director-General before the Environmental Impact Audit Report – Operation is prepared.</li> </ol> <p>The Environmental Impact Audit Report – Operation must be made Publicly Available.</p>	OEMP Section 8.1.1
CoA 14	<p>An Operational Environmental Management Plan (OEMP) must be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources (2004) Guidelines for the Preparation of Environmental Management Plans, and submitted for the Director-General's Approval at least 4 weeks prior to the commencement of Operation or as otherwise agreed to by the Director-General.</p> <p>If the Proponent has an OEMP for its other projects which is applicable to this Project (for example a certified and operating environmental management system) then that system may be proposed as the OEMP. Details of the existing system must be provided to the Director-General demonstrating its application to this Project.</p>	This OEMP
	<p>The OEMP must be prepared and implemented in accordance with the procedures, safeguards and mitigation measures identified in the EA, Submissions Report, SoC and CoA and all relevant Acts and Regulations, and in consultation with Relevant Government Departments, Councils, Stakeholders and the CLG.</p>	<p>OEMP Section 7.1</p> <p>OEMP Section 8.1.3</p>
	<p>The OEMP must incorporate the Operational requirements detailed in the CoA and SoC and include a monitoring and review program which contains (but is not limited to):</p> <ol style="list-style-type: none"> <li>a) an Operation Noise and Vibration Management Plan</li> </ol>	ONVMP in Appendix A
	<ol style="list-style-type: none"> <li>b) an Operation Air Quality Management Plan</li> </ol>	OAQMP in Appendix B
	<ol style="list-style-type: none"> <li>c) an Operation Hazard and Risk Management Plan</li> </ol>	OHRMP in Appendix C

	d) a program to monitor any residual impacts of the Project on surface and groundwater including requirements for the monitoring of analyte selenium if any disturbed stockpiles or deposits of steam train boiler ash are proposed to be retained on the Project site	OEMP Section 8
	e) a program to monitor the performance and effectiveness of measures implemented as part of the Biodiversity Management Sub Plan (CoA 60);	OEMP Section 8
	f) details of performance and completion criteria, monitoring frequency and duration; and	OEMP Sections 7 and 8
	g) details of responsibility for monitoring and maintenance before and after any asset transfer to the relevant authority.	OEMP Sections 7 and 8
	The approved OEMP must be made Publicly Available	OEMP Section 8.1.3
CoA 27	The ongoing maintenance and operation costs of urban design and landscaping items and works implemented as part of this Approval must remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority to the satisfaction of the Director-General. Prior to the transfer of assets the Proponent, in conjunction with RailCorp, will maintain items and works to the design standards established in the UDLP, including the engagement of a landscape specialist and the removal of graffiti within performance standards specified in the UDLP.	OEMP Sections 7 and 8

CoA 51	<p>The Proponent must prepare an Operation Noise and Vibration Management Plan (ONVMP) no later than 6 months from the commencement of construction (or as otherwise agreed by the Director-General). The Plan must confirm noise and vibration control measures in order to achieve the Director-General's Requirements for Environmental Assessment. The Plan must be prepared in consultation with Relevant Government Authorities, Relevant Councils, Stakeholders and the CLG(s) and approved by the Director-General.</p> <p>The ONVMP must include details of noise and vibration control measures to be implemented during the Operation stages including:</p> <ul style="list-style-type: none"> <li>a) identification of sensitive receivers (including those outside residential areas)</li> <li>b) identification of the appropriate operational noise and vibration objectives and levels for sensitive receivers</li> <li>c) predictions of operational noise and vibration impacts at sensitive receivers</li> <li>d) examination of all Reasonable and Feasible noise and/or vibration mitigation measures; Southern Sydney Freight Line Project Approval 23 December 2006</li> <li>e) identification of specific physical and managerial measures for controlling noise and vibration including location, type and timing of erection of permanent noise barriers and/or other noise mitigation measures demonstrating best practice</li> <li>f) a Source Control Plan which identifies strategies for source controls including: <ul style="list-style-type: none"> <li>i. a program of condition monitoring for the purpose of minimising noise emissions from freight rolling stock and maintenance activities</li> <li>ii. targets, assessment, action and review processes for incorporation and implementation of best practice measures</li> </ul> </li> <li>g) procedures for complaints management, including investigation and monitoring (subject to complainant agreement) and,</li> <li>h) procedures for reviewing the adequacy of operational noise and vibration mitigation measures.</li> </ul> <p>The Proponent is to implement the identified noise and vibration control measures and make the ONVMP publicly available.</p>	ONVMP in Appendix A
CoA 52	<p>Where required, the Proponent must install physical mitigation measures, subject to:</p> <ul style="list-style-type: none"> <li>a) consultation with directly affected property owners and the CLG and,</li> <li>b) detailed design taking into consideration <ul style="list-style-type: none"> <li>i. shadow analysis for north facing sites in residential areas</li> <li>ii. assessment of local flooding impacts and,</li> </ul> </li> <li>iii. assessment of potential for graffiti and other forms of vandalism.</li> </ul>	ONVMP in Appendix A

CoA 53	All noise barriers installed must have absorptive surfaces on the rail side to minimise the impacts of noise reflection.	ONVMP in Appendix A
CoA 54	<p>At 1, 2, 5 and 10 years from commencement of Project operations the Proponent must:</p> <ul style="list-style-type: none"> <li>a) monitor and review the adequacy and effectiveness of noise and vibration mitigation measures against noise objectives stated in the Operation Noise and Vibration Management Plan and,</li> <li>b) review, and revise if required, the Source Control Plan and,</li> <li>c) review advances in noise standards and best practice noise mitigation technology as well as any State or Federal Government initiatives to manage rail noise.</li> </ul> <p>If monitoring indicates any substantial exceedance of stated or emerging noise and vibration objectives, as a result of the Project, the Proponent must identify and implement any additional Reasonable and Feasible mitigation measures.</p> <p>A report of the monitoring and review must be submitted to the Director-General within 4 months of the relevant monitoring period, unless otherwise agreed to by the Director-General. Additional Reasonable and Feasible mitigation measures identified must be installed or implemented to the satisfaction of the Director-General in consultation with DEC and affected receivers.</p> <p>The monitoring and review, and any subsequent mitigation measures must be verified by an independent noise and vibration expert at the Proponent's expense. The independent expert must be approved by the Director General prior to the relevant review period.</p> <p>For the purposes of this condition, a substantial exceedance is considered to be an exceedance of the LAeq objective by 2dBA, as measured or assessed over a one-week period, or exceedance of the L Amax objective by 2 dBA, measured or assessed as the energy-mean maximum noise.</p>	ONVMP in Appendix A

CoA 70	<p>The Proponent must prepare an Operation Hazards and Risk Management Plan (OHRMP) no later than two months prior to the commencement of commissioning of the Project (or as otherwise agreed by the Director-General). As part of the OHRMP the Proponent shall develop, submit for the approval of the Director-General and implement the plans and systems set out as follows:</p> <p>a) A comprehensive Emergency Plan and detailed emergency procedures for the proposed project. This plan will include detailed procedures for the safety of all people outside of the project who may be at risk from the project. The plan shall be in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, "Industry Emergency Planning Guidelines. Alternatively the Proponent may submit a report of a peer review prepared by an independent person, approved by the Director General, confirming that the Emergency Plan adopted by the Proponent has adequately addressed the principles and objectives detailed in the Department's guideline.</p> <p>b) A document setting out a comprehensive Safety Management System, covering all operations associated with the Project including the interfaces with the existing system. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and shall be available for inspection by the Director-General upon request. The Safety Management System shall be developed in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 9, "Safety Management". Alternatively the Proponent may submit a report of a peer review prepared by an independent person, approved by the Director General, confirming that the documented safety management systems to be used by the Proponent have adequately included the principles and objectives detailed in the Department's guideline.</p> <p>Commissioning shall not commence until approval has been given by the Director - General.</p>	OHRMP in Appendix C
CoA 71	<p>The Proponent shall comply with all reasonable requirements of the Director -General in respect of the implementation of any measures arising from the reports submitted in respect of CoA 68 - 70, within such time as the Director- General may agree.</p>	OHRMP in Appendix C

<p>CoA 76</p>	<p>Prior to the Commencement of Operations, or as otherwise agreed to by the Director-General, the Proponent must prepare an Operational Air Quality Management Plan (OAQMP) as part of the OEMP to the satisfaction of the Director-General. The OAQMP would identify:</p> <ul style="list-style-type: none"> <li>a) emission criteria, including long term emission standards</li> <li>b) strategies and management measures to minimise air quality impacts, including the identification of options for preventing any exceedance of NO 2 criteria</li> <li>c) monitoring and assessment procedures</li> <li>d) auditing and reporting requirements and,</li> <li>e) community consultation.</li> </ul> <p>The OAQMP is to be prepared in consultation with RailCorp, the DEC and other freight rail operators (as required) as part of the OEMP.</p> <p>Should any monitoring indicate substantial exceedance of identified emission criteria, the Proponent must implement Reasonable and Feasible mitigation measures.</p>	<p>OAQMP in Appendix B</p>
<p>EPL 3142 Condition M4</p>	<ul style="list-style-type: none"> <li>▪ M4 Recording of pollution complaints: <ul style="list-style-type: none"> <li>▸ M4.1 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.</li> <li>▸ M4.2 The record must include details of the following: <ul style="list-style-type: none"> <li>a) the date and time of the complaint</li> <li>b) the method by which the complaint was made</li> <li>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</li> <li>d) the nature of the complaint</li> <li>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant and,</li> <li>f) if no action was taken by the licensee, the reasons why no action was taken: <ul style="list-style-type: none"> <li>▸ M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.</li> <li>▸ M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.</li> </ul> </li> </ul> </li> </ul> </li> </ul>	<p>OEMP Section 3.5</p>
<p>EPL 3142 Condition M5</p>	<ul style="list-style-type: none"> <li>▪ M5 Telephone complaints line: <ul style="list-style-type: none"> <li>▸ M5.1 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.</li> <li>▸ M5.2 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.</li> </ul> </li> </ul>	<p>OEMP Section 3.5</p>

EPL 3142 Condition E8	Noise monitoring must be carried out: a) <i>In accordance with Australian Standards AS 2659.1-1998: Guide to the use of sound measuring equipment= Part 1- Portable sound level meters, and the compliance monitoring guidance provided in the NSW Industrial Noise Policy.</i>	OEMP Section 8.1
EPL 3142 Condition E9	The licensee must undertake dust monitoring as directed by an authorised officer of the EPA.	OEMP Section 8.1
EPL 3142 Condition M1	<ul style="list-style-type: none"> <li>▪ M1 Monitoring records <ul style="list-style-type: none"> <li>▸ 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.</li> <li>▸ M1.2 All records required to be kept by this licence must be: <ul style="list-style-type: none"> <li>a) in a legible form, or in a form that can readily be reduced to a legible form;</li> <li>b) kept for at least 4 years after the monitoring or event to which they relate took place; and</li> <li>c) produced in a legible form to any authorised officer of the EPA who asks to see them.</li> </ul> </li> <li>▸ M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence: <ul style="list-style-type: none"> <li>d) the date(s) on which the sample was taken</li> <li>e) the time(s) at which the sample was collected</li> <li>f) the point at which the sample was taken and,</li> <li>g) the name of the person who collected the sample.</li> </ul> </li> </ul> </li> </ul>	OEMP Section 8.1.5

- R1 Annual return documents.
- What documents must an Annual Return contain?
- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
  - a) a Statement of Compliance and,
  - b) a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before 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.

- Period covered by Annual Return:
  - 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:
  - c) 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
  - d) 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:
  - e) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - f) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

- Deadline for Annual Return:
  - R1.5 The Annual Return for the reporting period must be supplied to the EPA 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').

- Notification where actual load cannot be calculated
  - R1.6 Not applicable.

- Licensee must retain copy of Annual Return:
  - R1.7 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.

- Certifying of Statement of Compliance and signing of Monitoring and Complaints Summary:

- R1.8 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder or,
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.
  - R1.9 A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be

<p>EPL 3142 Condition R2</p>	<ul style="list-style-type: none"> <li>▪ R2 Notification of environmental harm.</li> </ul> <p>Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.</p> <ul style="list-style-type: none"> <li>▸ R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.</li> <li>▸ 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.</li> </ul>	<p>OEMP Sections 8.1.2 &amp; 8.1.4</p>
<p>EPL 3142 Condition R3</p>	<ul style="list-style-type: none"> <li>▪ R3 Written report: <ul style="list-style-type: none"> <li>▸ R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that: <ol style="list-style-type: none"> <li>a) where this licence applies to premises, an event has occurred at the premises or,</li> <li>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.</li> </ol> </li> <li>▸ 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.</li> <li>▸ R3.3 The request may require a report which includes any or all of the following information: <ol style="list-style-type: none"> <li>c) the cause, time and duration of the event</li> <li>d) the type, volume and concentration of every pollutant discharged as a result of the event</li> <li>e) 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</li> <li>f) 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</li> <li>g) action taken by the licensee in relation to the event, including any follow-up contact with any complainants</li> <li>h) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and</li> <li>i) any other relevant matters:</li> </ol> </li> <li>▸ 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.</li> </ul> </li> </ul>	<p>OEMP Sections 8.1.2 &amp; 8.1.4</p>