

# Licence Variation

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Licence - 1503

BORAL CEMENT LIMITED  
ABN 62 008 528 523 ACN 008 528 523  
PO BOX 6041  
NORTH RYDE NSW 2113

Attention: Mrs Belinda Prideaux

Notice Number 1561171  
File Number EF13/2674; DOC20/163835  
Date 27-Feb-2020

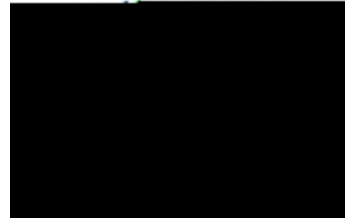
## NOTICE OF VARIATION OF LICENCE NO. 1503

### BACKGROUND

- A. BORAL CEMENT LIMITED ("the licensee") is the holder of Environment Protection Licence No. 1503 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at WALLACE STREET, WAUCHOPE, NSW, 2446 ("the premises").
- B. On 25-Jan-2018 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. The licensee has applied to increase its fee based activity scale from 0 - 30,000 tonnes per annum to >30,000 - 100,000 tonnes per annum.
- D. The application included a copy of Development Consent for DA 2016/404, which includes an increase in the production capacity at the premises to 60,000 tonnes of cement/flyash per annum.
- E. The EPA issued General Terms of Approval ("GTA's") for the application on 10 October 2016. The GTA's were attached to DA2016/404 by Port Macquarie Hastings Council ("PMHC").
- F. On 24 October 2017, the EPA received a request from PMHC to comment on the licensee's application for modification of the consent noise limits. The application sought to increase the noise limit contained within the consent from 50 dB(A) LAeq(15 minutes) to 58 dB(A) LAeq (15 minutes)
- G. Following consultation with PMHC and the licensee, the EPA responded formally to the request on 5 March 2018, stating that it could support the application provided noise from the activity does not exceed a noise level of LAeq 55dBA, and that this level is not increased by noise from other industries in the area.
- H. The EPA recommended that Council include a condition in any approval, if granted, for the licensee to schedule arrivals and deliveries so that trucks are not queuing in Wallace Street prior to commencement of operations at 7am.

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- I. The EPA has not received an application from the licensee in regard to increasing the premises noise limit as identified above, however it has been included in this variation to ensure that the licence reflects the current operations approved at the premises.
- J. The EPA ,by this notice, has updated the licence to make it consistent with the GTA's and the consent (as modified).

## VARIATION OF LICENCE NO. 1503

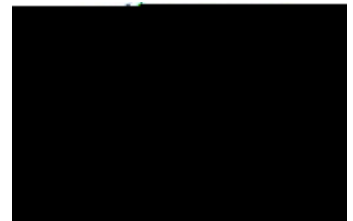
1. By this notice the EPA varies licence No. 1503. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
  - Condition A1.1 - I

current Pollution Incident Response Management Plan.

- Condition O6.1 - Addition of noise management requirements.
- Condition O6.2 - Bunding condition varied to provide more detail.
- Condition O6.3 - New bunding condition added detailing specifics regarding expectations for bunding.
- Condition M4.1 to M4.2 - Addition of noise monitoring requirements.
- Condition R1.1 - Amended in line with statewide changes to licences.
- Condition R1.5 - Amended to note that Annual Returns can be submitted electronically.
- Condition R1.8 - Redundant condition removed.

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- Condition G2.1 - New condition requiring the licensee provide a contact number for the EPA to use in the event of an incident at the premises.

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**Peter Jamieson**  
**Head Regional Operations Unit**  
**North - Hunter**  
(by Delegation)

## INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.
- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.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).



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_____	
Number:	1503
Anniversary Date:	15-December

_____	
BORAL CEMENT LIMITED	
PO BOX 6041	
NORTH RYDE NSW 2113	

_____	
BORAL CEMENT WAUCHOPE	
WALLACE STREET	
WAUCHOPE NSW 2446	

_____	
Cement or lime works	

_____	
Cement or lime handling	> 30000-100000 T annual handling capacity

_____	
North - Hunter	
Ground Floor, NSW Govt Offices, 117 Bull Street	
NEWCASTLE WEST NSW 2302	
Phone: (02) 4908 6800	
Fax: (02) 4908 6810	
PO Box 488G	
NEWCASTLE NSW 2300	



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

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.

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.



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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.

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





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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.



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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.

P1.1 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.

2	Noise monitoring	Noise Monitoring Location as identified on plan titled "Noise Monitoring Location - Boral Wauchope Cement Depot - Noise Study" dated 23/02/2017. EPA reference DOC20/137076.
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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.

L2.1 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.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

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

Day	Day-LAeq (15 minute)	Yearly	55

- L3.2 For the purposes of the above condition Day is defined as the period from 7am to 5pm Monday to Friday and 7am to 3pm Saturdays.
- L3.3 The noise limits set out in the condition above apply under all meteorological conditions except for the following:
- wind speeds greater than 3 metres/second at 10 metres above ground level; or
  - stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
  - Stability category G temperature inversion conditions.
- L3.4 To determine compliance:
- with the Leq(15 minute) noise limits in the table above, the noise measurement equipment must be located:
    - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises;
    - or within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
    - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
  - with the noise limits in this Noise Limits condition, the noise measurement equipment must be located:
    - at the most affected point at a location where there is no dwelling at the location; or
    - at the most affected point within an area at a location prescribed by this Noise Limits condition.
- L3.5 A non-compliance of the noise limits table will still occur where noise generated from the premises in excess of the appropriate limit is measured:
- at a location other than an area prescribed in the table; and/or
  - at a point other than the most affected point at a location.
- L3.6 For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the EPA's Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.





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- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 The licensee must ensure that the wind and dust restriction curtain installed at the entrance to the silos is maintained and operated in a proper and efficient manner.
- O3.3 The licensee must ensure that after being loaded, all trucks wait a under the silo until the dust extraction system collects airbourne dust from the loading activity, before driving off.
- O3.4 The licensee must ensure that the hatches of all trucks are closed prior to departing the premises.
- O3.5 The licensee must ensure that the cement loading shute is maintained and operated in a proper and efficient manner to prevent the emission of dust from the premises.
- O3.6 The licensee must ensure that:
  - a) all filter bags in the dust collectors are serviced regularly to ensure they operate in a proper and efficient manner; and
  - b) during servicing, filter bags of the dust collectors are lowered to ground level by crane to prevent the airborne dispersion of dust.

Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The licensee must develop a Pollution Incident Response Management Plan in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations.

- O5.1 The licensee must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.
- O5.2 The licensee must ensure that waste identified for recycling is stored separately from other waste.

- O6.1 The premises must implement reasonable and feasible noise management measures to minimise offsite impacts. This must include but not be limited to:

1. delivery of cement by rail must not occur during the night-time, as much as practicable;
2. trucks are to be turned off (not idling) whilst being loaded;
3. only one truck is to be loaded at any one time;
4. alternatives to tonal reversing alarms ("beepers"), such as broadband alarms, reversing cameras, proximity alarms or a combination of these must be investigated and implemented on all trucks.

O6.2 All tanks and storage areas for drums containing material that has potential to cause environmental harm must be bunded or have an alternative spill containment system in-place.

The bunding and/or spill containment system must be properly designed, engineered and constructed to be suitable for the material types and quantities stored therein in accordance with all appropriate standards, including Australian Standards (AS)1940 and AS1596.

O6.3 Bunds must:

1. have walls and floors constructed of impervious materials;
2. be of sufficient capacity to contain 110% of the volume of the tank (or 110% of the volume of the largest tank where a group of tanks are installed);
3. have floors graded to a collection sump; and
4. not have a drain valve incorporated in the bund structure.

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.



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M2.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent

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Day	Yearly	15 minutes	1 operation day
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M4.2 Noise monitoring must occur corresponding to a period of normal operations that involves the loading and dispatch of at least one truck concurrent with a rail delivery.

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

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

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

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

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

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

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

e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and

g) any other relevant matters.

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

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.

G2.1 The licensee must nominate to the EPA a representative of the licensee that is available at all times and is capable of providing immediate assistance or response during emergencies or any other incidents at the premises. The name of the nominated representative and their contact details, including their mobile telephone number, must be current at all times. The nomination and contact details must be provided to the EPA's Director - Hunter at PO Box 488G, Newcastle NSW 2300 or by email to [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au).

G3.1

PRP1 - Cement Dust Management	Investigate and implement actions to minimise cement dust blowing out the top of the tanker being filled.	25-October-2012
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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

Means the Protection of the Environment Operations Act 1997

Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997

Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009

Together with a number, means an ambient air monitoring method of that number prescribed by the

Australian Map Grid

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.

Is defined in R1.1

Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009

Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009

Means biochemical oxygen demand

Together with a number, means a continuous emission monitoring method of that number prescribed by the

Means chemical oxygen demand

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.

Means conductivity

Has the same meaning as in the Protection of the Environment Operations Act 1997

Has the same meaning as in the Protection of the Environment Administration Act 1991

Means Environment Protection Authority of New South Wales.

Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (

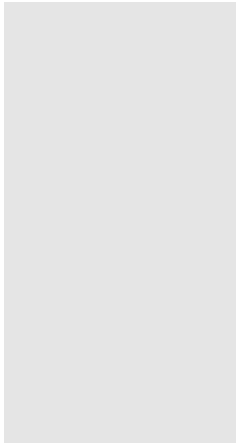


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- Means total suspended particles
- Means total suspended solids
- Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
- Means the elements beryllium, chromium, cobalt, manganese,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

Ms Nadia Kanhoush

Environment Protection Authority

(By Delegation)

Date of this edition: 02-August-2000

- 1 Licence varied by change to Common Name field, issued on 31-May-2001, which came into effect on 31-May-2001.
- 2 Licence transferred through application 140466, approved on 15-Jun-2001, which came into effect on 15-Jun-2001.
- 3 Licence varied by change to contact details, issued on 02-Jul-2001, which came into effect on 02-Jul-2001.
- 4 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 5 Licence varied by notice 1507080 issued on 31-Jul-2012
- 6 Licence varied by notice 1510949 issued on 25-Feb-2013