

## Model Transport Infrastructure Licence – Appendix A Additional Optional Conditions

Condition number	Condition	Guidance notes for Licensee
<b>Out of Hours Works</b>		
L5.6	<p>The licensee must make all reasonable and feasible efforts to coordinate all works outside of standard construction hours with any neighbouring concurrent construction works that have the potential to impact the same Noise Sensitive Receivers. The licensee must ensure Respite Periods are being achieved as much as is reasonably practicable.</p> <p>Note: This condition does not apply to low impact noise work permitted by condition L5.3 or emergency works permitted by L5.4 of this licence.</p>	Optional reviewed condition to be applied to projects subject to an REF, or where CoAs do not contain adequate respite conditions.
L5.7	<p><b>Works outside of standard construction hours</b></p> <p>Under this condition, works and activities may be undertaken outside of standard construction hours specified in condition L5.1 and L5.2, but only if they are required in relation to one or more of the following:</p> <ol style="list-style-type: none"> <li>carrying on those works and activities during standard construction hours would result in a high risk to construction personnel or public safety, based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2018 "Risk Management";</li> <li>the Relevant Road Network Operator has advised the licensee in writing that carrying out the works and activities during standard construction hours would result in a high risk to road network operational performance;</li> <li>a relevant utility service operator has advised the licensee in writing that carrying out the works and activities during standard construction hours would result in a high risk to the operation and integrity of the utility network;</li> <li>the TfNSW Transport Management Centre (or other road authority) have refused to issue a road occupancy licence during standard construction hours; or</li> <li>Sydney Trains (or other rail authority) requires a rail possession for the activities to be performed outside of standard construction hours.</li> </ol>	<p>A licence applicant or an existing licensee may apply for this optional reviewed condition in a new licence application or via a licence variation application. This condition sets out the works and activities that can be undertaken out-of-hours under certain circumstances. Note that a licence applicant or an existing licensee may apply for this condition only if the circumstances listed are permitted by the Conditions of Approval and detailed in the relevant Environmental Assessment/s.</p> <p>Where this condition is included on a licence, L5.8 will be included unless otherwise agreed with the EPA.</p> <p><b>Note: Where a licence applicant or licensee considers strong justification exists for works to be undertaken outside of standard construction hours, which are not permitted by condition L5.7 and L5.8, the licence applicant or licensee may apply to the EPA for its consideration under a separate licence variation application. See guidance notes at L5.10.</b></p>

Condition number	Condition	Guidance notes for Licensee
L5.8	<p data-bbox="277 204 1218 229"><b>Works outside of standard construction hours – Regulatory Requirements</b></p> <p data-bbox="277 242 1384 300">In undertaking any works and activities outside of standard construction hours under condition L5.7, the licensee must comply with the following:</p> <ol style="list-style-type: none"> <li data-bbox="327 312 1384 673">a. Prepare a construction noise and vibration impact assessment in accordance with the Interim Construction Noise Guideline (DEC, 2009) that is to include:               <ol style="list-style-type: none"> <li data-bbox="376 379 1384 437">i. a description of the proposed works and activities outside of standard construction hours;</li> <li data-bbox="376 450 1384 539">ii. predictions of LAeq (15 minute) dB noise levels at noise sensitive receivers from these works and activities, where noise levels are predicted to be greater than those permitted under condition L5.3; and</li> <li data-bbox="376 552 1384 673">iii. a monitoring plan to validate the noise predictions, based on monitoring at the boundary of representative sensitive receivers during noise generating activities that are representative of the works and activities, including during the period/s predicted to have the highest noise level impacts.</li> </ol> </li> <li data-bbox="327 686 1301 743">b. Undertake noise monitoring in accordance with the monitoring plan required by condition L5.8(a)(iii).</li> <li data-bbox="327 756 1384 845">c. Only undertake activities between the hours of 6:00pm on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and 7:00am the following day (unless permitted by another condition of this licence).</li> <li data-bbox="327 858 1384 948">d. Activities are not to be undertaken between the hours of 6:00pm on Saturdays, Sundays or Public Holidays and 7:00am the following day (unless permitted by another condition of this licence).</li> <li data-bbox="327 960 1384 1161">e. Ensure that works and activities do not result in noise levels exceeding those specified in condition L5.3 at the same noise sensitive receivers (unless specified in another condition of this licence) on more than:               <ol style="list-style-type: none"> <li data-bbox="376 1053 1055 1078">i. 2 consecutive evenings and/or nights at any time; and</li> <li data-bbox="376 1091 887 1117">ii. 3 evenings and/or nights per week; and</li> <li data-bbox="376 1129 860 1155">iii. 10 evenings and/or nights per month.</li> </ol> </li> <li data-bbox="327 1174 1384 1232">f. Undertake any high noise impact works before 12:00 am (midnight) where reasonable and feasible.</li> <li data-bbox="327 1244 1384 1334">g. Where high noise impact activities are undertaken, the respite provisions as per the requirements of condition L5.2(c) do not apply provided that all High Noise Impact Activities and Works are undertaken prior to 12:00 am (midnight).</li> <li data-bbox="327 1347 1384 1401">h. Where high noise impact activities are undertaken after 12:00 am (midnight), the respite provisions in condition L5.2(c) apply.</li> </ol>	<p data-bbox="1420 204 2110 414">If a licence applicant or an existing licensee has applied for the optional reviewed condition L5.7 (in a new licence application or via a licence variation application), L5.8 will be included unless otherwise agreed with the EPA. This condition sets out the regulatory requirements for works outside of standard construction hours permitted under condition L5.7.</p> <p data-bbox="1420 466 2110 679"><b>Note: Where a licence applicant or licensee considers strong justification exists for works to be undertaken outside of standard construction hours, which are not permitted by condition L5.7 and L5.8, the licence applicant or licensee may apply to the EPA for its consideration under a separate licence variation application. See guidance notes at L5.10.</b></p>

Condition number	Condition	Guidance notes for Licensee
	<ul style="list-style-type: none"> <li>i. Upon request of an authorised officer, the licensee must provide within 5 business days:               <ul style="list-style-type: none"> <li>i. the construction noise and vibration impact assessment required by condition L5.8(a);</li> <li>ii. noise monitoring results required by condition L5.8(b);</li> <li>iii. written evidence demonstrating the works are necessary and permitted under condition L5.7; and/or</li> <li>iv. any other relevant information or records requested by the EPA.</li> </ul> </li> <li>j. the notification requirements under condition L5.5 apply to this condition.</li> </ul>	
L5.9	<p><b>Special Requirements for Rail Possessions</b></p> <p>Where Sydney Trains (or other rail authority) requires a rail possession for the works and activities, and those works and activities are to be undertaken outside of the hours specified in condition L5.1 and L5.2, including weekends and public holidays during the day-time, evenings and/or nights, the licensee must:</p> <ul style="list-style-type: none"> <li>a. ensure the works and activities do not result in noise levels exceeding those specified in condition L5.3 at the same Noise Sensitive Receivers on more than:               <ul style="list-style-type: none"> <li>i. 3 consecutive evenings and/or nights at any time; and</li> <li>ii. 3 evenings and/or nights per week; and</li> <li>iii. 10 evenings and/or nights per month.</li> </ul> </li> <li>b. for rail possessions, the requirements under L5.8 apply except where inconsistent with this condition, in which case the requirements of this condition prevail.</li> </ul>	<p><b>Optional reviewed condition</b> may be applied for by licence applicant or licensee.</p> <p>This condition sets out the requirements where rail possessions are required and include public holidays, weekend day-time, evenings and/or nights.</p> <p>Note that a licence applicant or an existing licensee may apply for this condition only if rail possessions are permitted by the Conditions of Approval and detailed in the relevant Environmental Assessment/s.</p> <p><b>Note: Where a licensee considers strong justification exists for activities outside of standard construction hours to be permitted, for a duration exceeding 3 consecutive day, evenings and/or nights, the licensee may apply to the EPA for its consideration.</b></p>
L5.10	<Project specific condition for works outside of standard construction hours>	<p>Optional reviewed condition may be applied for by licence applicant or licensee.</p> <p>Where a licence applicant or licensee considers strong justification exists for works to be undertaken outside of standard construction hours, which are not permitted by condition L5.7, L5.8, L5.9 or other conditions of the licence, the licence applicant or licensee may apply to the EPA for its consideration under a separate licence variation application. This could include circumstances when permissions must be obtained by certain authorities (other than road transport authorities) to undertake the works during standard hours.</p>

Condition number	Condition	Guidance notes for Licensee
		<p>When assessing an application to include this optional reviewed condition in a licence, the EPA requires the following information to be submitted with the application:</p> <ol style="list-style-type: none"> <li>scale and nature of OOHWs;</li> <li>timing and scheduling of OOHWs (available at time of application);</li> <li>justification for OOHWs;</li> <li>evidence that activities cannot be undertaken during standard hours;</li> <li>documented community consultation processes (undertaken or planned); and</li> <li>Construction Noise and Vibration Impact Statement, or other document/s demonstrating the licensee has appropriately assessed the impacts to sensitive receivers, including processes allowing the licensee to: <ol style="list-style-type: none"> <li>predict impacts to noise sensitive receivers for future works;</li> <li>demonstrate all feasible and reasonable mitigation and management measures have and/or will be considered and implemented (including contingencies for when noise management levels are exceeded); and</li> <li>implement a noise monitoring program appropriate for specific works permitted under this condition.</li> </ol> </li> </ol>
<b>Additional Blasting Conditions</b>		
L4.1	<p>Blasting detonations must:</p> <ol style="list-style-type: none"> <li>only be undertaken between the hours of 9:00 am and 5:00 pm Monday to Friday;</li> <li>not be undertaken on Saturdays, Sundays or Public Holidays; and</li> <li>only be undertaken outside of the abovementioned hours where: <ol style="list-style-type: none"> <li>a safety reason exists; and</li> <li>the licensee notifies the EPA's environment line as soon as reasonably practicable.</li> </ol> </li> </ol>	<p>A licence applicant or an existing licensee may apply for blasting conditions if permitted by Conditions of Approval.</p> <p><b>Note: where blasting is permitted, conditions L4.1 to L4.7 will be included in the licence.</b></p>

Condition number	Condition	Guidance notes for Licensee
L4.2	When blasting operations occur at the premises, the airblast overpressure level must not exceed 120 dB (lin peak) at any time at the most impacted residence or other sensitive receiver.	See guidance notes for L4.1.
L4.3	When blasting operations occur at the premises the ground vibration peak particle velocity must not exceed 10 mm/sec at any time at the most impacted residence or other sensitive receiver.	See guidance notes for L4.1.
L4.4	<p>To determine compliance with condition(s) &lt;L4.2 to L4.5&gt;:</p> <ol style="list-style-type: none"> <li>Airblast overpressure and ground vibration levels must be measured and electronically recorded for all blasts carried out in or on the premises at location(s) representative of the most effected Noise Sensitive Receiver(s) that is not owned by the licensee or subject to a private agreement with the licensee;</li> <li>Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006: Explosives—Storage and use Part 2: Use of explosives; and</li> <li>Error margins associated with any monitoring equipment used to measure airblast overpressure and ground vibration levels are not to be taken into account in determining whether or not the limit has been exceeded.</li> </ol>	See guidance notes for L4.1.
L4.5	<p>Blasts, with the exception of trial blasts, must be limited to two detonations in any one day, and a maximum of five per week impacting the same Noise Sensitive Receivers.</p> <p>Note: For the purposes of this condition, a single detonation may involve a number of individual blasts fired in quick succession in a discrete area.</p>	See guidance notes for L4.1.

### Additional Monitoring Conditions

M4.5	<p>The licensee must undertake monitoring, sampling, video recording and/or take photographs:</p> <ol style="list-style-type: none"> <li>if the EPA or licensee reasonably suspects that an event has occurred at the premises or in connection with the carrying out of the activities that has caused, is causing, is likely to cause or has the potential to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies);</li> <li>as soon as practicable; and</li> <li>as directed by an authorised officer.</li> </ol>	<p><b>Optional reviewed condition</b> may be included on a licence at the discretion of the EPA.</p> <p>The EPA may include this condition on a license when ongoing compliance issues or underperformance is occurring.</p>
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Condition number	Condition	Guidance notes for Licensee
<b>Sediment Basin Conditions</b>		
L2.5	<p>Exceeding the limits specified in Condition L2.4 of this licence for discharges from the discharge point(s) identified by conditions P1.1 is only permitted if:</p> <ol style="list-style-type: none"> <li>the discharge occurs solely as a result of rainfall measured at the premises exceeding the design rainfall depth value for the corresponding discharge point; and</li> <li>The sediment basins and other erosion and sediment controls corresponding to the discharge point(s) have been designed, constructed, operated and maintained in accordance with condition O4.2 of this licence.</li> </ol>	<b>Optional reviewed condition</b> to be included on a licence where sediment basin/s have or will be installed on the premises and have licenced discharge and monitoring points.
L2.6	<p>If the licensee uses turbidity (e.g. NTU) in place of TSS to determine compliance with Condition L2.4, the licensee must:</p> <ol style="list-style-type: none"> <li>develop a robust site-specific statistical correlation assessment methodology that identifies the relationship between turbidity and TSS for water quality from the discharge point(s);</li> <li>develop a method to enable the ongoing verification of the relationship between turbidity and TSS;</li> <li>provide the EPA with a copy of the methodologies detailed in a) and b), including relevant results, before using turbidity in place of TSS; and</li> <li>provide the EPA with any amendments the licensee makes to the statistical correlation as a result of the ongoing verification required by this condition before using the revised statistical correlation.</li> </ol>	<b>Optional reviewed condition</b> which stipulates the requirements for using turbidity (e.g. NTU) in place of TSS. This condition may be applied for by the applicant.
O4.4	<p>The licensee must:</p> <ol style="list-style-type: none"> <li>ensure the design storage capacity of any sediment basin installed on the premises is reinstated within the design management period following the cessation of a rainfall event that causes runoff to occur on or from the premises; and</li> <li>keep records of the available water and sediment storage capacities in each sediment basin and provide to an authorised officer upon request.</li> </ol>	<b>Optional reviewed condition</b> to be included on a licence where sediment basin/s have or will be installed on the premises.
O4.5	<p>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:</p> <ol style="list-style-type: none"> <li>the clear identification of each sediment basin and discharge point;</li> <li>the collection of representative samples of the water discharged from the sediment basin(s); and</li> <li>access to the sampling point(s) at all times by an authorised officer of the EPA.</li> </ol>	<b>Optional reviewed condition</b> to be included on a licence where sediment basin/s have or will be installed on the premises.

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M2.3	<p>For the purposes of Condition M2.2 and the Table thereto, 'Special Frequency 1' means:</p> <ol style="list-style-type: none"> <li>less than 24 hours prior to a controlled discharge and daily for any continued controlled discharge, when it is safe to do so; and</li> <li>when rainfall causes a discharge from a sediment basin which has not been emptied within the design management period following cessation of a rainfall event, when it is safe to do so.</li> </ol>	<b>Optional reviewed condition</b> to be included on a licence where sediment basin/s have or will be installed on the premises and have licenced discharge and monitoring points.

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