

Licence Variation



Licence - 20850

MACH ENERGY AUSTRALIA PTY LTD
PO BOX 2115
DANGAR NSW 2309

Attention: Mr Andrew Reid

Notice Number 1607276
File Number EF16/11941
Date 23-Apr-2021

NOTICE OF VARIATION OF LICENCE NO. 20850

Why the EPA is writing to you

- A. MACH Energy Australia Pty Ltd (**MACH**) holds Environment Protection Licence No. 20850 (**the Licence**) issued under the *Protection of the Environment Operations Act 1997 (the Act)*. The Licence authorises scheduled activities to be carried on at Mount Pleasant Operations at 1100 Wybong Road, Muswellbrook NSW 2333 (**the Premises**).
- B. On 17 March 2021, MACH applied to vary the Licence to further extend the Premises boundary following acquisition of property at 154 Logues Lane Muswellbrook.
- C. The EPA reviewed the application and provided a draft notice to MACH for review and comment. The EPA has considered the comments provided by MACH on the draft and has now varied the Licence to reflect the updated Premises boundary lines; and make several minor administrative changes.
- D. If you have any questions regarding this matter, please contact Hannah Schuchmann on 0419 905 137.

VARIATION OF LICENCE NO. 20850

1. By this notice the EPA varies the Licence. 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 A2.1 - Varied Premises details to reference updated premises map and geospatial data files;
 - Condition P1.4 - Varied to reference Condition P1.3;
 - Condition P1.5 - Deleted condition referencing location of geospatial data files (location is noted in monitoring point description table);

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- Condition O2.2 & O2.3 - Deleted conditions. Licence condition O2.1 captures proper and efficient operation and maintenance of all equipment at the Premises which includes the sewage treatment system;
- Condition M9.2 - Varied to reference noise monitoring locations described in Condition P1.3;
- Condition M9.3 - Varied to reference modification factors in Noise Policy for Industry (EPA 2017);
- Condition R4.1 - R4.5 - Varied to reference updated EPA contact email address;
- Condition R5.2 - R5.6 - Varied wording for consistency and clarity for all 'other reporting conditions';
- Section G2 and Conditions G2.1 and G2.2- Added conditions under New sub-heading under General Conditions - '*Contact number for incidents and responsible employees*' and corresponding conditions regarding requirements for Licensee to nominate an EPA representative for incidents and/or emergencies at the Premises.

A handwritten signature in blue ink, appearing to be 'S. James', is written over a faint circular stamp.

.....
STEVEN JAMES
Unit Head Regulatory Metro North
Environment Protection Authority
(by Delegation)

INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.
- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.epa.nsw.gov.au/prpoeo/index.htm>) in accordance with section 308 of the Act.

Appeals against this decision

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

When this notice begins to operate

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

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Licence Details

Number:	20850
Anniversary Date:	24-November

Licensee

MACH ENERGY AUSTRALIA PTY LTD
 PO BOX 2115
 DANGAR NSW 2309

Premises

MOUNT PLEASANT OPERATION
 1100 WYBONG ROAD
 MUSWELLBROOK NSW 2333

Scheduled Activity

Coal works
 Mining for coal

Fee Based Activity

Scale

Coal works	> 5000000 T annual handling capacity
Mining for coal	> 5000000 T annual production capacity

Region

Regional North - Newcastle
 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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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:

MACH ENERGY AUSTRALIA PTY LTD
PO BOX 2115
DANGAR NSW 2309

subject to the conditions which follow.

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1 Administrative Conditions

A1 What the licence authorises and regulates

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

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

Scheduled Activity	Fee Based Activity	Scale
Coal works	Coal works	> 5000000 T annual handing capacity
Mining for coal	Mining for coal	> 5000000 T annual production capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
MOUNT PLEASANT OPERATION
1100 WYBONG ROAD
MUSWELLBROOK
NSW 2333
AREA IDENTIFIED AS 'MOUNT PLEASANT EPL 20850 (2021-08)' ON PLAN TITLED "ENVIRONMENT PROTECTION LICENCE PREMISES MAP" DATED 16/03/2021 AT DOC21/265691 AND CORRESPONDING SPATIAL DATA FILES CONTAINED IN DOC21/249051. THIS LICENCE DOES NOT APPLY TO, OR INCLUDE, PUBLIC ROADS.

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

Ancillary Activity
Coal Works
Land-based extractive activity
sewage treatment plant

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A4 Information supplied to the EPA

A4.1 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:

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

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table 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.

Air

EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Particulate Matter Monitoring (PM10)		Continuous particulate monitor located to the south-east of the premises, at MGA56 299558 6428748 shown as "A-PF2" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296)
2	Particulate Matter Monitoring (PM10)		Continuous particulate monitor located to the north of the premises, at coordinates MGA56 295811 6434686 shown as "A-PF5" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296)

P1.2 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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14	Effluent quality monitoring; Discharge to mine water system	Effluent quality monitoring; Discharge to mine water system	Monitoring of effluent discharge quality from CHPP STP at MGA56 293641 6429993 shown as "CHPP-STP" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296)
15	Effluent quality monitoring; Discharge to mine water system	Effluent quality monitoring; Discharge to mine water system	Monitoring of effluent discharge quality from MIA STP at MGA56 294163 6429420, shown as "MIA-STP" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296)

P1.3 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

EPA identification no.	Type of monitoring point	Location description
3	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor located to the south-west of the premises, at MGA56 296265 6430737, shown as "B-VOC" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296)
4	Meteorological Station	Meteorological monitoring located at MGA56 299023 6433749, shown as "M-WS4" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296)
5	Noise monitoring	Attended noise monitoring at MGA56 291465, 6427182, shown as "N-AT1" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296)
6	Noise monitoring	Attended noise monitoring at MGA56 290608 6434490, shown as "N-AT2" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296), representative of dwellings to the north-west of the premises.
7	Noise monitoring	Attended noise monitoring at MGA56 300270 6432503, shown as "N-AT3" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296), representative of NAG 5.

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8	Noise monitoring	Attended noise monitoring at MGA56 299947 6429264, shown as "N-AT4" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296), representative of NAG 6 & 7.
9	Noise monitoring	Attended noise monitoring at MGA56 299161 6427503, shown as "N-AT5" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296), representative of NAG 8 & 9.
10	Noise monitoring	Attended noise monitoring at MGA56 289092 6423155, shown as "N-AT6" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296), representative of NAG 11.
11	Meteorological Station	Meteorological monitoring located at MGA56 299558 6428748, shown as "M-WM2" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296)
12	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor located to the south-west of the premises, at MGA56 294752 6429059, shown as "B-VOA" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296)
13	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor located to the south-west of the premises, at MGA56 300036 6428691, shown as "B-VO2" on plan titled "Environment Protection Licence Premises Map" dated 23/07/20 (DOC20/603296)

P1.4 For the purpose of Condition P1.3, NAG refers to the Noise Assessment Groups shown in Figure 5-3 of Appendix 5 of DA 92/97 (MOD 4) dated 16 November 2018 (EPA reference DOC19/1010437).

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 Waste

L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste

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in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Waste tyres	Disposal of used heavy mobile equipment tyres at approved on-site locations.	Waste disposal (application to land)	50 tonnes of used tyres stored per dump location.

L3 Noise limits

L3.1 Noise generated at the premises must not exceed the noise limits presented in the table below.

Note:

The noise limits in the table below do not apply if the licensee has a written agreement with the relevant landowner to exceed the noise limit and the licensee has advised the EPA in writing of the terms of the agreement.

The noise limits in the table below do not apply to residences owned by the licensee or those residences that are subject to acquisition as listed in Table 1 of Schedule 3 of Development Consent DA 92/97 (MOD 4), dated 16 November 2018.

Residences referenced in this table are from Table 3 of Schedule 3 of Development Consent DA92/97 (MOD 4), dated 16 November 2018 (EPA reference DOC19/1010437).

Location	Day - LAeq(15 minute)	Evening - LAeq(15 minute)	Night - LAeq(15 minute)	Night - LA1(1 minute)
EPA Point 5	43	43	43	45
EPA Point 6	36	36	36	45
EPA Point 7	41	41	41	45
EPA Point 8	43	42	42	45
EPA Point 9	40	40	40	45
EPA Point 10	35	35	35	45
Residence 68 & 74	43	42	42	45
Residence 86a	42	42	42	45
Residence 35, 35b & 77	42	41	41	45
Residence 79, 80a, 140c & 526	41	41	41	45
Residence 289	41	40	40	45

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Residence 84a, 139, 154, 203, 257 & 258a	40	40	40	45
Residence 83	40	39	39	45
Residence 86b, 140a, 202 & 259	39	39	39	45
Residence 198 & 202b	38	38	38	45
Residence 260 & 261	37	37	37	45
Residence 169 & 272	36	36	36	45
NAG 5 - All other privately-owned land	41	40	39	45
NAG 6 - All other privately-owned land	37	37	37	45
NAG 7 - All other privately-owned land	40	37	37	45
NAG 8 - All other privately-owned land	41	39	39	45
NAG 9 - All other privately-owned land	39	38	37	45
NAG 11 - All other privately-owned land	37	36	35	45
All other privately-owned land	35	35	35	45

L3.2 For the purposes of the noise limits in this licence:

- a) Day is defined as the period from 7 am to 6 pm Monday to Saturday, and 8 am to 6 pm Sundays and Public Holidays,
- b) Evening is defined as the period from 6 pm to 10 pm, and
- c) Night is defined as the period from 10 pm to 7 am Monday to Saturday, and 10 pm to 8 am Sundays and Public Holidays.

L3.3 The noise limits set out in this licence apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

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

- a) Data recorded by the closest and most representative meteorological station installed on the premises at EPA Identification Point 4 or 11 must be used to determine the meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined using the sigma-theta method described in Appendix E of the Industrial Noise Policy (EPA 2000).

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L4 Blasting

- L4.1 Blasting in or on the premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.
- L4.2 The airblast overpressure level from blasting operations in or on the premises must not exceed 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period at any blast monitoring location specified in this licence.
- L4.3 The airblast overpressure level from blasting operations in or on the premises must not exceed 120 dB (Lin Peak) at any time at any blast monitoring location specified in this licence.
- L4.4 Ground vibration peak particle velocity from blasting operations in or on the premises must not exceed 5 mm/second for more than 5% of the total number of blasts during each reporting period at any blast monitoring location specified in this licence.
- L4.5 Ground vibration peak particle velocity from blasting operations in or on the premises must not exceed 10 mm/second at any time at any blast monitoring location specified in this licence.
- L4.6 Offensive blast fume must not be emitted from the premises.

Definition:

Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

- 1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted;*
- or*
- 2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.*

L5 Potentially offensive odour

- L5.1 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.

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

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

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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:
- must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

Sewage Treatment System

- O2.2 The sewage treatment system at the premises must be serviced by a suitably qualified and experienced wastewater technician at least once in each quarterly period and a minimum of four times per year.
- O2.3 The licensee must record each inspection and any actions required or recommended by the technician including date, time, and all results of tests performed on the sewage treatment system by the technician.

O3 Dust

- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.
- O3.3 All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.
- O3.4 The licensee must cease all dust generating activities during adverse conditions being the occurrence of both:
- the adverse wind conditions set out in Condition O3.5 (b), and
 - the adverse PM₁₀ concentrations set out in Condition O3.5 (c).
- O3.5 For the purpose of Condition O3.4 the following definitions apply:
- (a) 'dust generating activities' means drilling, blasting, earthworks, construction activities, all hauling activities on unsealed haul roads, all overburden and coal extraction operations including loading and dumping activities and grader, loader, dozer and dragline operations.
- (b) 'adverse wind conditions' means the 1-hour average wind direction between 250 degrees and 340 degrees (inclusive) measured at the Muswellbrook NW Upper Hunter Air Quality Monitoring Network monitor. Australian Standard AS3580.14-2014 is to be used to calculate the 1 hour average wind direction.
- (c) 'adverse PM₁₀ concentrations' means a rolling 24-hour average PM₁₀ concentration of equal to or greater than 44 micrograms per cubic metre measured at the Muswellbrook NW Upper Hunter Air Quality Monitoring Network monitoring station.
- (d) Operation of watercarts is permitted at all times.

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(e) Activities within the Coal Handling and Preparation Plant and Materials Handling Area, including run-of-mine (ROM) coal, product coal handling (including dozer/loader operations) and train loading operations as identified in blue on plan titled 'Mt Pleasant Coal Mine Materials Handling Area Dust Exclusion Zone General Arrangement' drawing number MP001-0000-GEN-DRG-0026 (EPA ref Doc19/282883) are not included as dust generating activities provided all automated dust suppression spray systems at the ROM hopper, conveyor transfer points and product stockpiles are in use, at least one water cart is in use on the ROM stockpile and an adjustable hood is lowered onto rail wagons loadings.

O3.6 Shutdown of dust generating activities required by Condition O3.4 must be completed within 1 hour of receiving data that triggers action required by Condition O3.4.

O3.7 The licensee may resume dust generating activities at the premises when:

(a) adverse wind conditions as defined in Condition O3.5(b); or

(b) adverse PM₁₀ concentrations as defined in Condition O3.5(c)

are not measured for a minimum time period of 1 hour from the time that cessation of dust generation activities is completed.

O3.8 At any time when there is no access to the meteorological data or PM₁₀ data from the Muswellbrook NW Upper Hunter Air Quality Monitoring Network monitoring station, definitions of 'adverse wind conditions' and 'adverse PM₁₀ concentrations' in condition O3.5 are replaced with:

- 'adverse wind conditions' means a 1-hour average wind direction between 245 and 345 degrees (inclusive) measured at EPA Monitoring Point 11, identified in condition P1.3

- 'adverse PM₁₀ concentrations' means a rolling 24-hour average PM₁₀ concentration of equal to or greater than 44 micrograms per cubic metre measured at the EPA Monitoring Point 1, identified in condition P1.3

Note: If at any time, there is no access to the Muswellbrook NW Upper Hunter Air Quality Monitoring Network monitoring station and to either 1-hour average wind direction data from monitoring point 11 or PM₁₀ data from monitoring point 1 the licensee must cease dust generating activities at the premises.

O3.9 For the purpose of condition O3.5 (e), dust suppression systems must be operated in a manner to ensure that there is no visible dust emissions emitted from the premises.

O4 Effluent application to land

O4.1 The licensee must ensure that the effluent discharge utilisation area perimeter is fenced, signposted and controlled in a manner to ensure exclusion of persons from that area.

O4.2 The licensee must ensure that sprays or mists from irrigation do not drift beyond the boundary of the effluent discharge utilisation area and that no ponding occurs.

O4.3 Application of wastewaters must only be applied at a rate that can be assimilated by the effluent

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discharge utilisation area and its evapotranspiration capacity.

O5 Emergency response

Note: The licensee must prepare a Pollution Incident Response Management Plan (PIRMP) as per section 153A of the *Protection of the Environment Operations Act 1997*. The PIRMP must:

1. Include the information detailed in section 153A of the *Protection of the Environment Operations Act 1997*, and to be in the form required by clause 98B in the *Protection of the Environment Operations (General) Regulation*.
2. Be kept at the premises to which the licence relates; and
3. Be tested in accordance with clause 98E of the *Protection of the Environment Operations (General) Regulation*.

O6 Waste management

- O6.1 The licensee is authorised to dispose of heavy plant waste tyres generated on the premises, in the pit. The licensee must:
- a) ensure heavy plant waste tyres are reused on the premises as much as practical;
 - b) ensure that any surplus waste tyres can be emplaced by being spread out on the pit floor and be buried as deep as is reasonably practical;
 - c) ensure buried waste tyres are covered by at least 20 m of inert material beneath any final rehabilitated surfaces;
 - d) place the waste tyres at least 10 m away from coarse reject material or tailings emplacement areas;
 - e) not place waste tyres near heated material; and
 - f) not place any waste tyres in an area likely to leach to any waters.

5 Monitoring and Recording Conditions

M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
 - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- a) the date(s) on which the sample was taken;
 - b) the time(s) at which the sample was collected;
 - c) the point at which the sample was taken; and

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d) the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

POINT 1,2

Pollutant	Units of measure	Frequency	Sampling Method
PM10	milligrams per cubic metre	Continuous	Special Method 1

Note: Special Method 1 requires the licensee to undertake the monitoring of PM10 concentrations in strict accordance with the manufacturer's operating manual supplied with the continuous monitoring equipment, or any updated versions as published by the manufacturer.

M2.3 Water and/ or Land Monitoring Requirements

POINT 14,15

Pollutant	Units of measure	Frequency	Sampling Method
Faecal Coliforms	colony forming units per 100 millilitres	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- 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
- 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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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 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.

M4 Weather monitoring

M4.1 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

POINT 11

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	10 minutes	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	10 minutes	Continuous

POINT 4

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	10 minutes	Continuous
Temperature at 2 metres	AM-4	degrees Celsius	10 minutes	Continuous
Sigma Theta	AM-2 & AM-4	degrees Celsius	10 minutes	Continuous
Rainfall	AM-4	millimetres per hour	1 hour	Continuous
Relative humidity	AM-4	percent	1 hour	Continuous
Siting	AM-1	None	-	-
Temperature at 10 metres	AM-4	degrees Celsius	10 minutes	Continuous
Total Solar Radiation	AM-4	Watts per square metre	10 minutes	Continuous

M4.2 All methods specified in conditions M4.1 are specified in the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales ('Approved Methods')* and all monitoring must be conducted strictly in accordance with the requirements outlined the Approved Methods.

M5 Recording of pollution complaints



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- 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 two weeks from the date of the issue of this licence.

M7 Blasting

- M7.1 To determine compliance with the blast limits specified in this licence:
- Airblast overpressure and ground vibration levels must be measured and electronically recorded for Monitoring Points 3, 12 and 13 for the parameters specified in column 1 of the table below; and
 - The licensee must use the units of measure, sampling method and sample at the frequency specified opposite in the other columns.

Parameter	Units of Measure	Frequency	Sampling Method
Airblast Overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS 2187.2-2006
Ground Vibration Peak Particle Velocity	millimetres/second	All blasts	Australian Standard AS 2187.2-2006

M8 Other monitoring and recording conditions

Requirement to Monitor Particulate Matter

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M8.1 The licensee must record the average PM₁₀ concentration at Monitoring Points 1 and 2 at intervals of 10 minutes. This data must be made available upon request by any authorised officer of the EPA who asks to see them.

M9 Noise monitoring

M9.1 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 5,6,7,8,9,10

Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period
Night	Monthly	15 minutes	1 operation day

M9.2 To assess compliance with the noise limits specified within the licence, operator attended noise monitoring must be undertaken in accordance with Conditions L3.2 to L3.4:

- a) at the noise monitoring locations specified in condition P1.3; and
- b) occur every calendar month in a reporting period; and
- c) occur during one night time period as defined in the Industrial Noise Policy (EPA 2000) for a minimum of 15 minutes at each location from a).

M9.3 For the purposes of compliance monitoring and determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry (EPA 2017) must be applied, as appropriate, to the noise levels measured by noise monitoring equipment.

M9.4 Where required in writing by the EPA, the licensee must carry out attended noise monitoring at sensitive receivers in addition to the monitoring required by Condition M9.2.

6 Reporting Conditions

R1 Annual return documents

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

1. a Statement of Compliance,
2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions,
4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,



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- 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
- 7. a Statement of Compliance - Environmental Management Systems and Practices.

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

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

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

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

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

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

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

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

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

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

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

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

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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 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

Blast Exceedance Notification

- R4.1 The licensee must report any exceedance of the blast limits specified in this licence to the EPA at RegOps.MetroRegulation@epa.nsw.gov.au as soon as practicable after the exceedance becomes known to the licensee or to one of its employees or agents.

Noise Exceedance Notification

- R4.2 The licensee must report any exceedance of noise limits specified in this licence to the EPA at RegOps.MetroRegulation@epa.nsw.gov.au as soon as practicable after the exceedance becomes known to the licensee or to one of its employees or agents.

Dust Shutdown Notification

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- R4.3 The licensee must report any exceedance of the 1 hour dust shutdown timeframe prescribed in condition O3.6 of this licence to the EPA at RegOps.MetroRegulation@epa.nsw.gov.au as soon as practicable after the exceedance becomes known to the licensee or to one of its employees or agents.

Notification of Pollutions of Waters

- R4.4 The licensee must notify the EPA by telephoning the Environment Line service on 131555 immediately after the licensee becomes aware of any contravention or potential contravention of Condition L1.1 of this licence.
- R4.5 The licensee must provide written details of the notification to the EPA at RegOps.MetroRegulation@epa.nsw.gov.au within 7 days of the date of the notification.

R5 Other reporting conditions

Reporting of Blast Monitoring

- R5.1 For each Annual Return reporting period the licensee must submit a Blast Monitoring Report to the EPA for that period. The report must:
- include the results of the blast monitoring required by this licence;
 - identify any exceedance of the blast limits in this licence; and
 - describe management actions taken to address any exceedances.

Noise Monitoring Report

- R5.2 For each Annual Return reporting period the licensee must submit a Noise Compliance Assessment Report to the EPA for that period. The report must:
- be prepared by an appropriately qualified acoustic consultant and determine compliance with noise limits specified in this licence;
 - include all routine attended monitoring undertaken throughout the year;
 - include measurement and reporting of C-weighted noise levels; and
 - outline management actions taken within the monitoring period to address any exceedances of the limits specified in this licence.

Dust Monitoring Report

- R5.3 For each Annual Return reporting period the licensee must submit a Dust Monitoring Report to the EPA for that period. The report must include:
- details of times, wind speeds and wind direction during 'adverse conditions';
 - details of the date, time and duration when dust generating activities were ceased in accordance with condition O3.4;
 - weather conditions monitored at Monitoring Point 4:
 - during the period when dust generating activities were ceased;
 - for the 24 hour period immediately prior to dust generating activities being ceased; and
 - for the 24 hour period immediately after dust generating activities resumed.
 - PM10 monitoring data measured at Monitoring Points 1 and 2:
 - during the period when dust generating activities were ceased;
 - for the 24 hour period immediately prior to dust generating activities being ceased; and

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- iii. for the 24 hour period immediately after dust generating activities resumed.
- e) details of the date and time dust generating activities were resumed;
- f) a list of days when the average 24 hour PM10 at the Muswellbrook Upper Hunter Air Quality Monitoring Network monitor exceeded 50 µg/m³.
- g) 10 minute wind speed and direction data at Monitoring Point 4 for days when the average 24 hour PM10 at the Muswellbrook Upper Hunter Air Quality Monitoring Network monitor exceeded 50 µg/m³.
- h) 10 minute PM10 data from Monitoring Points 1 and 2 for days when the average 24 hour PM10 at the Muswellbrook Upper Hunter Air Quality Monitoring Network monitor exceeded 50 µg/m³.

Note: This information is necessary for the EPA to review whether conditions O3.4 to O3.8 are achieving the objective of ensuring that activities carried on at the premises do not increase the number of days when average PM10 concentrations in Muswellbrook exceed 50ug/m³. The EPA may review these conditions if this objective is not being achieved.

Sewage Treatment Systems

- R5.4 For each Annual Return reporting period the licensee must submit a Sewage Treatment System Maintenance Report to the EPA for that period. The report must include:
- a) sewage system maintenance program including any logs;
 - b) results of any water quality sampling undertaken;
 - c) any system issues identified; and
 - d) management response to any issues.
- R5.5 The licensee must retain a copy of each report as required by Condition O2.5 for 3 years from the date each record is made.

Heavy Plant Tyre Disposal Report

- R5.6 For each Annual Return reporting period the licensee must submit a Heavy Plant Tyre Disposal Report to the EPA for that period.
- The report must include the following information for each waste tyre:
- a) the size and type;
 - b) disposal date;
 - c) cumulative tonnage of waste tyres disposed in each disposal area;
 - d) GPS coordinates (easting and northing) of the disposal location;
 - e) the Real Level (RL) in metres of the burial depth; and
 - f) where reasonably available the purchase date, supplier and serial number.

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.



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G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

G2 Contact number for incidents and responsible employees

G2.1 The licensee must operate 24-hour telephone contact lines for the purpose of enabling the EPA to directly contact one or more representatives of the licensee who can:

- a) respond at all times to incidents relating to the premises; and
- b) contact the licensee's senior employees or agents authorised at all times to:
 - i) speak on behalf of the licensee; and
 - ii) provide any information or document required under this licence.

G2.2 The licensee is to inform the EPA in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.

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Dictionary

General Dictionary

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

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

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

Mr Michael Howat

Environment Protection Authority

(By Delegation)

Date of this edition: 24-November-2016

End Notes

2	Licence varied by notice	1549577 issued on 21-Feb-2017
3	Licence varied by notice	1551444 issued on 27-Apr-2017
4	Licence varied by notice	1553615 issued on 11-Jul-2017
5	Licence varied by notice	1555281 issued on 18-Aug-2017
6	Licence varied by notice	1560563 issued on 05-Mar-2018
7	Licence varied by notice	1569819 issued on 08-Oct-2018
8	Licence varied by notice	1573657 issued on 01-May-2019
9	Licence varied by notice	1588703 issued on 12-Aug-2020
10	Licence varied by notice	1604737 issued on 20-Jan-2021