Environment Protection Licence

Licence - 21280

Licence Details	
Number:	21280
Anniversary Date:	24-July

Licensee

NEWTRICITY DEVELOPMENTS BIALA PTY LTD

SUITE 3 LEVEL 21/1 YORK STREET

SYDNEY NSW 2000

Premises

BIALA WIND FARM

GRABBEN GULLEN ROAD

GRABBEN GULLEN NSW 2583

Scheduled Activity

Electricity generation

Fee Based Activity	Scale
Electricity works (wind farms)	0-450 GWh annual generating capacity

Contact Us

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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:

NEWTRICITY DEVELOPMENTS BIALA PTY LTD
SUITE 3 LEVEL 21/1 YORK STREET
SYDNEY NSW 2000

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
Electricity generation	Electricity works (wind farms)	0 - 450 GWh annual generating capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
BIALA WIND FARM
GRABBEN GULLEN ROAD
GRABBEN GULLEN
NSW 2583
LOT 7 DP 754126, LOT 20 DP 754126, LOT 114 DP 754126, LOT 131 DP 754126, LOT 151 DP 754126, LOT 192 DP 754126, LOT 217 DP 754126, LOT 255 DP 754126, LOT 256 DP 754126, LOT 257 DP 754126, LOT 258 DP 754126, LOT 259 DP 754126, LOT 286 DP 754126, LOT 287 DP 754126, LOT 299 DP 754126, LOT 301 DP 754126, LOT 302 DP 754126, LOT 319 DP 754126, LOT 329 DP 754126, LOT 333 DP 754126, LOT 334 DP 754126, LOT 335 DP 754126, LOT 336 DP 754126, LOT 340 DP 754126, LOT 345 DP 754126, LOT 347 DP 754126, LOT 348 DP 754126, LOT 350 DP 754126, LOT 351 DP 754126, LOT 352 DP 754126, LOT 365 DP 754126, LOT 1 DP 878594, LOT 2 DP 878594, LOT 18 DP 878997, LOT 19 DP 878997, LOT 1 DP 1115746, LOT 2 DP 1115746, LOT 10 DP 1117737, LOT 11 DP 1117737, LOT 12 DP 1117737
THE WF MAIN GATE WILL BE LOCATED OFF GRABBEN GULLEN ROAD ON THE FOLLOWING LAND PARCEL: 1//DP1115746

A2.2 In relation to Condition A2.1, the premises is defined by the red boundary line on the document titled "Biala Wind Farm Layout", dated 17/10/18 and submitted as a part of the Environment Protection Licence application (EPA reference DOC19/484457).

A3 Information supplied to the EPA

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

In this condition the reference to "the licence application" includes a reference to:
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 utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

P1.2 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
1	Meteorological Station – to determine meteorological conditions for noise monitoring	Meteorological Mast labelled as PB4 on map titled "Biala Wind Farm Layout - Drawing No:SF_BWF_DWG_0057 (Rev. 2) dated 6 December 2021" (DOC21/1084366)
2	Meteorological Station – to determine meteorological conditions for noise monitoring	Meteorological Mast labelled as PB5 on map titled "Biala Wind Farm Layout - Drawing No:SF_BWF_DWG_0057 (Rev. 2) dated 6 December 2021" (DOC21/1084366)
3	Meteorological Station – to determine meteorological conditions for noise monitoring	Meteorological Mast labelled as WF2 on map titled "Biala Wind Farm Layout - Drawing No:SF_BWF_DWG_0057 (Rev. 2) dated 6 December 2021" (DOC21/1084366)

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.

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L2 Waste

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 The licensee must ensure that all liquid and/or non-liquid waste generated and/or stored on the site is assessed and classified in accordance with *Waste Classification Guidelines Part 1: Classifying Waste* (NSW EPA, 2014) or any future guideline that may supersede that document.

L3 Noise limits

L3.1 Noise generated from the premises (wind turbine noise) must not exceed, at the nearest non-associated residences (as defined in the Development Consent SSD-6039):

- 35dB(A); or
- The existing background noise level for each integer wind speed (measured at turbine hub height) at the wind farm site, by more than 5dB(A), whichever is the greater, for each integer wind speed from cut in to rated power of the wind turbine generators.

L3.2 For the purpose of determining compliance with condition L3.1, the locations and noise limits in the table below apply.

EPA identification no.	Noise Limits(dBA)									
Integer Wind Speed (m/s) at hub height	3	4	5	6	7	8	9	10	11	12 or more
HN03, HN04	35	35	36	37	38	39	40	42	43	46
HN05	35	35	35	35	35	37	38	39	41	43
HN06	35	35	35	35	35	36	38	40	43	46
HN07	35	35	36	37	38	40	41	44	46	50
HN09	36	37	38	40	41	42	44	45	47	48
HN11	35	35	35	36	37	39	40	42	43	46
HN12	35	35	37	39	40	42	43	45	46	48
HN13, HN14	35	35	36	37	38	39	39	40	40	40
HN15	35	35	35	35	36	36	37	37	38	39
HN17B	36	37	38	40	41	42	44	45	47	48
DA18	35	35	37	39	40	42	43	45	46	48

Note: The higher of 35dB(A) or the existing background noise level plus 5 dB(A) applies to all other non-associated residences (as defined in the Development Consent SSD-6039).

The above locations refer to the respective noise assessment locations as depicted in Biala Wind Farm:

Wind Farm Noise Impact Assessment Doc No. 170223-AUME-R-01, Rev D June 2015 and Biala Wind Farm Addendum to Noise and Shadow Flicker Impact Assessments for Additional Identified Dwellings Doc No. 170223-AUME-T-03, Rev B January 2016 written by DNV GL.

L3.3 The noise limits specified in Conditions L3.1 and L3.2 do not apply to any residence (as defined in the Development Consent SSD-6039) where a noise agreement is in place between the licensee and the respective land owner(s) in respect to noise impacts and/or noise limits.

L3.4 For the purpose of condition L3.1, noise must be determined in accordance with the methodology in the *Wind Energy: Noise Assessment Bulletin – For State significant wind energy development, December 2016* (NSW Government, 2016) as adjusted for "special noise characteristics' in accordance with the guidelines identified in this condition.

L3.5 For the purposes of condition L3.1, wind speed is to be measured directly, or computed at a height of 110m above ground level at the location identified as M1 in the *Biala Wind Farm Project Wind Farm Noise Impact Assessment* (Garrad Hassan Pacific Pty Ltd 2015). Where a computation method is used it is to be fully explained and justified.

L3.6 To determine compliance:

a) with the Leq(10 minute) noise limits in conditions L3.1 and L3.2, 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 5m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises.

b) with the noise limits in conditions L3.1 and L3.2, 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 condition L3.6(a).

L3.7 A non-compliance of Condition of L3.1 or L3.2 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 by condition L3.6(a) and L3.6(b); and/or
- at a point other than the most affected point at a location.

Note: **Definition of Terms**

- Noise – 'sound pressure levels' for the purposes of conditions L3.1 to L3.7.
- LAeq (10 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 10 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 Acoustics: description and

measurement of environmental noise).

4 Operating Conditions

O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.
This includes:
a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
a) must be maintained in a proper and efficient condition; and
b) must be operated in a proper and efficient manner.

O3 Dust

O3.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O3.2 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

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

M2 Recording of pollution complaints

M2.1 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.

M2.2 The record must include details of the following:
a) the date and time of the complaint;
b) the method by which the complaint was made;
c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
d) the nature of the complaint;
e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
f) if no action was taken by the licensee, the reasons why no action was taken.

M2.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M2.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M3 Telephone complaints line

M3.1 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.

M3.2 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.

M3.3 The preceding two conditions do not apply until 3 months after the date of the issue of this licence.

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,
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 they became aware of the incident.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
a) where this licence applies to premises, an event has occurred at the premises; or
b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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:
a) the cause, time and duration of the event;
b) the type, volume and concentration of every pollutant discharged as a result of the event;
c) 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;
d) 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;
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.

7 General Conditions

G1 Copy of licence kept at the premises or plant

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

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

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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 *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
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 *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
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 Environmen t 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 describe d 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 mo nths. 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 *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.

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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
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Ms Janine Goodwin

Environment Protection Authority

(By Delegation)

Date of this edition: 24-July-2019

End Notes

2	Licence varied by notice	1593517 issued on 04-May-2020
3	Licence varied by notice	1611078 issued on 09-Dec-2021
4	Licence varied by notice	1625917 issued on 20-Dec-2024