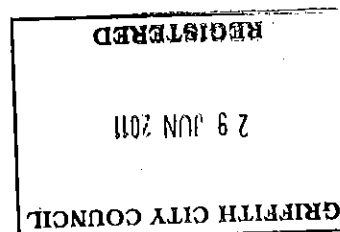




**Environment,
Climate Change
& Water**



Your Reference: DA 95/2011:LF
Our reference: FIL07/5896;DOC11/26075
Contact: Jason Price 02 6969 0700

The General Manager
Griffith City Council
PO Box 485
GRIFFITH NSW 2680

Attention: Linden Foster

Dear Mr Brooks

Re Development Application No 95/2011

Thank you for your letter dated 1 June 2011 to the Office of Environment and Heritage (OEH) about the development application received by Council for the proposed ammunition manufacturing facility at Lot 478, 762 and 763 DP 751728 Doug McWilliam Road Yenda.

This letter provides a consolidated response from OEH incorporating relevant considerations under the *National Parks and Wildlife Act 1974*, *Threatened Species Conservation Act 1995*, *Environmental Planning and Assessment Act 1979* and the *Protection of the Environment Operations Act 1997*. We submit the following comments for your information.

Pollution Control and Environmental Management

OEH has responsibilities for pollution control and environmental management under the *Protection of the Environment Operations Act 1997*. Following a review of the information provided and consultation with the applicant, we are able to issue our General Terms of Approval (GTA) for the proposed development.

The GTA's are provided in Attachment 'A' and relate to the specific development as proposed in the documents and information that has been provided by Council.

Attachment 'B' provides the mandatory conditions that apply to all Environment Protection Licences. Should Council grant development consent for this proposal, we recommend that these conditions be incorporated into the consent.

The Department of Environment, Climate Change and Water is now known as the Office of Environment and Heritage, Department of Premier and Cabinet

PO BOX 397 Griffith NSW 2680
Suite 7, 130-140 Banna Avenue Griffith NSW
Tel: (02) 6969 0700 Fax: (02) 6969 0710
ABN 30 841 387 271
www.environment.nsw.gov.au

In the event that the development is modified either by the applicant prior to the granting of the consent, or as a result of conditions imposed by Council, we request that further consultation occur about the proposed changes prior to the consent being issued. This will enable us to determine whether our GTA's are required to be modified as a result of any proposed alterations.

Should development consent be granted it will also be necessary for the applicant to apply for an Environment Protection Licence with OEH for explosives production as an ammunition manufacturer.

Flora and Fauna Management

We have no objection to the proposed development in relation to impacts on flora, fauna, or threatened species. We acknowledge the proposed development site is highly disturbed and that no native vegetation is proposed to be removed.

Aboriginal Cultural Heritage

We have no objection to the proposed development in relation to Aboriginal cultural heritage.

Should consent for the modification be granted we recommend the following conditions in relation to Aboriginal cultural heritage issues should be included as part of the consent.

During construction works if any Aboriginal object is discovered and/or harmed in, on or under the land, the proponent must -

- (a) not further harm the Aboriginal object,*
- (b) immediately cease all work at the particular location,*
- (c) secure the area so as to avoid further harm to the Aboriginal object,*
- (d) notify OEH soon as practicable by telephoning 131 555, providing any details of the Aboriginal object and its location, and*
- (e) not recommence any work at the particular location unless authorised in writing by OEH.*

If you have any further enquiries about this matter please contact Jason Price by telephoning 02 6969 0700.

Yours sincerely

 27/6/11

DARREN WALLETT
Head, Griffith Unit
Environment Protection and Regulation
Office of Environment and Heritage
Department of Premier and Cabinet

cc Planningmatters Development Service
23 Noorilla Street
GRIFFITH NSW 2680

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1129469

ATTACHMENT 'A'

ADMINISTRATIVE CONDITIONS

A1. INFORMATION SUPPLIED TO THE EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application No 95/2011 submitted to Griffith City Council on 27 May 2011; and
- the environmental impact statement titled Ammunition Manufacturing Facility dated the 18 May 2011 relating to the development.

A2. *Fit and Proper Person*

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

DISCHARGES TO AIR AND WATER AND APPLICATION TO LAND

P1. *Location of monitoring/discharge points and areas*

P1.1 Not applicable.

LIMIT CONDITIONS

L1. *Pollution of waters*

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. *Load limits*

L2.1 Not applicable.

L3. *Concentration limits*

L3.1 Not applicable.

L4. *Volume and mass limits*

L4.1 Not applicable.

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1129469

L5. Waste

L5.1 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 a licence under the Protection of the Environment Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L6. Noise limits

L6.1 Noise from the premises must not exceed:

an L_{A10} (15 minute) noise emission criterion of 46 dB(A) at any time; and

L6.2 Noise from the premises is to be measured at the nearest noise sensitive receiver to determine compliance with this condition

Definition

$L_{A10(15 \text{ minute})}$ is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Note: Noise measurement

For the purpose of noise measures required for this condition, the L_{A10} noise level must be measured or computed at any point at the nearest sensitive receiver over a period of 15 minutes using "FAST" response on the sound level meter.

For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:

1 metre from the facade of the residence for night time assessment;

at the residential boundary;

30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

L6.3 The noise emission limits identified in **L6.1** apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:

documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;

where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

Hours of operation

L6.4 All construction work at the premises must only be conducted Monday to Friday between 7 am and 6 pm and Saturday between 8 am and 1 pm excluding public holidays.

L6.5 Activities at the premises, other than construction work, may only be carried on between 7am and 6 pm Monday to Friday excluding public holidays.

General Terms of Approval



**Environment,
Climate Change
& Water**

Notice No: 1129469

L6.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L6.7 The hours of operation specified in conditions L6.4 and L6.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

OPERATING CONDITIONS

01. Odour

01.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

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.

02. Dust

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

03. Stormwater/sediment control

03.1 Not applicable.

04. Noise

04.1 Test firing of cartridges is restricted to a maximum of 6 shots per day and must only be fired between 10 am and 5 pm Monday to Friday.

MONITORING AND RECORDING CONDITIONS

M1 Monitoring records

M1.1 Not applicable.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 Not applicable.

M3. Requirement to monitor volume or mass

M3.1 Not applicable.

General Terms of Approval



**Environment,
Climate Change
& Water**

Notice No: 1129469

REPORTING CONDITIONS

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

General Terms of Approval



**Environment,
Climate Change
& Water**

Notice No: 1129469

ATTACHMENT 'B' – MANDATORY CONDITIONS FOR ALL EPA LICENCES

OPERATING CONDITIONS

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- This includes:
 - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- 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.

MONITORING AND RECORDING CONDITIONS

Recording of pollution complaints

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.

- 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.

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

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

Telephone complaints line

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.

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.

General Terms of Approval



Environment,
Climate Change
& Water

Notice No: 1129469

This condition does not apply until 3 months after this condition takes effect.

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a Statement of Compliance; and
 - a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, 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.

- Where this licence is transferred from the licensee to a new licensee,
 - 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
 - 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.

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

Deadline for Annual Return

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

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

- The notification must specify:

General Terms of Approval



Notice No: 1129469

the assessable pollutants for which the actual load could not be calculated; and
the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

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

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

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

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

Written report

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.

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.

- 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; and
 - 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;

General Terms of Approval



**Environment,
Climate Change
& Water**

Notice No: 1129469

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

(any other relevant matters.

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.

GENERAL CONDITIONS

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

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

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.