



DA 95/2011:LF:LF

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

(Section 81(1)(a) Environmental Planning & Assessment Act, 1979)

### DESIGNATED & INTEGRATED DEVELOPMENT

**Development Application No.:** 95/2011(1)

**Applicant(s):** Planningmatters Development Service  
For & on behalf of Bronzewing Ammunition Pty Ltd  
23 Noorilla Street  
GRIFFITH NSW 2680

**Description of Development:** Establishment of an ammunition manufacturing facility

**Property Description:** LOT: 478 DP: 751728  
LOT: 762 DP: 751728  
LOT: 763 DP: 751728  
94 Doug McWilliam Road YENDA

**Date of determination:** 8 August 2011

**Development application has been:** granted consent (*subject to Conditions in Attachment 'A' and 'General Terms of Approval' in Attachments 'A' and 'B'*)

**Development consent operates from:** 28 days after 8 August 2011

**Development consent lapses on:** 8 August 2016

**'General Terms of Approval' given by:** The Office of Environment and Heritage

It is important that all conditions be carefully read and understood prior to the commencement of the development.

Section 83(1)(b) of the *Environmental Planning and Assessment Act 1979* provides that the consent shall become effective and operate 28 days after the consent is issued.

Section 98 of the Act confers on an objector to designated development who is dissatisfied with the determination of a consent authority to grant consent to the development application (either conditionally or subject to the conditions) a right of appeal to the Land and Environment Court within 28 days after the date on which a notice of determination was given under Section 81 of the Act. Such an appeal may be made by application lodged with the Court in accordance with the Rules of the Court.

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 provides you the right to appeal to the Land and Environment Court of New South Wales within six (6) months from the date of this notice.

For further information regarding this matter please contact Council's Development Assessment Planner, Linden Foster on (02) 6969 4813 or [Linden.Foster@griffith.nsw.gov.au](mailto:Linden.Foster@griffith.nsw.gov.au).



**CAREL POTGIETER**  
**PLANNING & ENVIRONMENT MANAGER**

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**Attachment 'A'****Part B - Administrative or General Conditions**

This Part includes general background controls and minor administrative matters or procedures that ensure the development is clearly identified and specified.

**(1) Approved Plans**

The Development must be implemented substantially in accordance with Development Application No. 95/2011 received by Council on 27 May 2011 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

<b>Drawing No. or Document</b>	<b>Date Received by Council</b>	<b>Prepared or Drawn By</b>
Drawing 0502: Proposed Site plan	27 May 2011	Creative Design and Drafting
Drawing 0503: Manufacturing Area Floor Plan	27 May 2011	Creative Design and Drafting
Drawing 0504: Magazine Floor Plan	27 May 2011	Creative Design and Drafting
Environment Impact Statement	27 May 2011	Advitech

**(2) Scope of Consent**

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate for building and engineering works. These Certificates can be issued either by Council or an appropriately qualified 'Accredited Certifier'. A separate application, complete with detailed plans and specifications, shall be submitted to Council for these Construction Certificates.

**(3) Lapsing of Consent**

This Consent is valid for a period of five years from the date of consent. It will lapse if the approved use of any land or construction work has not commenced prior to that date. No further extensions will be granted.

**(4) Development consent relates to the establishment of an ammunition manufacturing facility on Lots 478, 762 and 763 DP 751728 Doug McWilliam Road Yenda.**

This approval includes internal alterations to the assembly building and Warehouse One, the construction of a magazine building and associated security fencing and the construction of internal access roads.

This approval also includes consent for:

- The storage of up to a maximum of 5,000 kilograms of propellant at any one time;
- The manufacture of up to ten (10) million cartridges annually;
- The storage of a maximum of 250,000 finished cartridges at any one time.

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The proposed development is to comply with the provisions and recommendations contained within the Environmental Impact Statement prepared by Advitech as submitted to Council on 27 May 2011.



**Part F - Building Matters**

This part relates to applications for buildings of all types.

(1) Compliances, Certificates and Statements

Where indicated, the following Codes, Standards, Treatments and Certificates shall apply to, or are required for, the development.

Details – Code, Certificate or Statement	Required
<b>Building Code of Australia</b>	All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia.
<b>Construction Certificate (Building)</b>	Site works are not to commence until such time as Council has received a construction certificate for the proposed works. Council or an Accredited Certifier may issue construction certificates.

(2) Builder's Debris

During the construction period, all builder's debris and litter shall be adequately contained within the property. The builder is to remove all builder's debris and litter on a weekly basis, and at the completion of all work.

(3) Essential Fire Protection Services

The following essential fire protection services are to be provided and maintained in accordance with the provisions of Regulation 93/94 of Environmental Planning and Assessment Regulation 2000.

- (a) Emergency lighting (as required by Part E.4.2 of the BCA).
- (b) Exit signs (as required by Part E4.5 of the BCA).
- (c) Hose reels (as required by Part E1.4 of the BCA).
- (d) Hydrants (as required by Part E1.3 of the BCA).
- (e) Portable fire extinguishers (as required by Part E1.6 of the BCA).
- (f) A certificate or statement prepared by the designer/installer to the effect that the listed essential fire safety services under the Building Code of Australia comply with the relevant Sections and the Australian Standards, is to be submitted upon completion of the building prior to occupation.

(4) Tactile indicators

Tactile ground surface indicators must be provided to warn people with a vision impairment that they are approaching a ramp. Tactile ground surface indicators must be Type B indicators in accordance with AS 1428.4.

(5) Identification of Facilities

Clear and legible Braille & Tactile signage complying with Spec D3.6 of the BCA incorporating the international symbol of access or other symbol as appropriate in accordance with AS1428.1 must be provided to identify the provided sanitary facility.

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(6) Operation of Latch

A door in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900 mm and 1.2 m from the floor.

(7) Part J – Switch Requirements

Artificial lighting within the building must be controlled in accordance with Part J6.3 of the Building Code of Australia.

(8) A seal to restrict air infiltration must be fitted to each edge of a door or openable window forming (including exhaust fans) part of the external fabric of the building or exposed to the atmosphere in compliance with Part J3 of the BCA Volume 1.



**Part I - Prior to the lodgement of the Construction Certificate application.**

If the development involves construction work (for example a building, road or stormwater drainage system for a subdivision), you will need a Construction Certificate issued either by Council or an Accredited Certifier before work can commence on your project. Before a Construction Certificate can be issued, you will have to satisfy the following conditions.

- (1) Stormwater run off shall not be permitted to flow over property boundaries onto the adjoining properties. Detailed design drawings and hydraulic calculations for the proposed drainage design are to comply with *Council's Engineering Guidelines – Subdivision and Development Standards December 2008* and are to be submitted to Council for approval **prior to the lodgement of a Construction Certificate for Civil Works application.**
- (2) Control measures are to be utilised to prevent soil erosion and silt entering the drainage systems. **Prior to the lodgement of a Construction Certificate for Civil Works application** details of the proposed measures utilising the principles outlined in following document, *Soils and Construction - Managing Urban Stormwater by Landcom (Blue Book)*, are to be submitted for Council approval and implemented before, during and after development works.
- (3) The applicant is required to pay for all inspections carried out by Council's Engineers. Payment must be paid for two (2) inspections as per Council's current Revenue Policy **prior to the lodgement of a Construction Certificate for Civil Works application.** Any adjustments to the total amount must be paid in full **prior to the lodgement of an Occupation Certificate application.**
- (4) Structural Design.  
  
Structural design details certified by a practicing structural engineer are to be submitted **prior to the lodgement of the Construction Certificate application.**
- (5) Soil Report  
  
A soil classification report prepared by a suitably qualified person is to be submitted to Council **prior to the lodgement of the Construction Certificate application.**
- (6) Specification  
  
A general construction specification is to be submitted **prior to the lodgement of the Construction Certificate application.** The specification is to indicate that all works associated with construction of the proposed structure will be carried out in accordance with volume 1 of the Building Code of Australia and the relevant Australian Standards.
- (7) External glazing is to comply with Part J2 of the Building Code of Australia. Details of compliance including calculations are to be submitted prior to the lodgement of the Construction Certificate application.
- (8) R-Values for the Roof/Ceiling, External Walls and Floor forming part of the building envelope are to be submitted verifying compliance with Part J1 of the Building Code of Australia **prior to the lodgement of the Construction Certificate application.**
- (9) **Prior to the issue of the Construction Certificate** it will be necessary to provide details and certification that the Air Conditioning and ventilation System has been designed to comply with Part J5 of the Building Code of Australia.

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- (10) Artificial Lighting and Power for the proposed building are to comply with Part J6.2, J6.3 and J6.5 of the Building Code of Australia. Details of lighting design are to be provided **prior to the issue of the Construction Certificate**

- (11) Access and Egress

**Prior to the issue of a Construction Certificate** details of the proposed works demonstrating how they comply with Part D of the Building Code of Australia Vol.1 2011.

- (12) Sanitary Facilities

A detailed floor plan of all structures and their sanitary facilities comply with Part F2 of the Building Code of Australia Vol.1 2011 is required to be submitted to Council **prior to the lodgement of the Construction Certificate application.**



**Part J - Prior to Commencement of Work**

There are a number of matters that need to be done before your project can physically commence. These are set out in the following conditions.

- (1) An application for a Construction Certificate for Civil Works shall be submitted to Council and approved for the proposed car-park, vehicular manoeuvring areas and stormwater drainage works. Detailed engineering design plans shall be submitted and approved by Council and a **Construction Certificate for Civil Work is to be obtained prior to any works commencing**. Such plans shall include designs, calculations and specifications for all proposed works as required for acceptance and approval by Council. The requirements should conform to *Council's Engineering Guidelines for Subdivisions and Development Standards – December 2008*.

- (2) Appointment of Principal Certifying Authority

Site works are not to commence until the person having the benefit of the development consent has appointed a Principal Certifying Authority (PCA) (Note:- this can be Council or an Accredited Certifier) and has notified Council of the appointment. Should the applicant elect to nominate Council as the PCA it will be necessary to complete Form 7 and pay the required inspection fees.

An Accredited Certifier who has been appointed as a Principal Certifying Authority (PCA) must not be replaced, except with the approval of the relevant accreditation body. A replacement PCA must ensure that notice of his or her appointment, together with the relevant Accreditation Body's approval of the appointment, is given to Council within 2 days of the appointment.

- (3) Notice of Commencement of Work

At least 2 days written notice must be given to Council **prior to the commencement of any work** on the property.

- (4) Builders Details

**Prior to any works commencing on the site**, written advice is required for Council records as to the following matters:

- a) builder's details (name, address and licence number);
- b) owner/builder permit.

- (5) Unauthorised Entry to the Site

**Prior to commencement of works**, a sign must be erected in a prominent position stating that unauthorised entry to the site is not permitted. The sign must also name the builder or other person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours. The sign is to be removed when the building works have been completed.

- (6) Waste Containment Area

A secure waste containment area or skip bin is to be provided on site **prior to the commencement of works**.

**Part K - During Construction**

The development will need to meet certain standards. The following conditions set out matters that need to be done during the construction or implementation process.

- (1) All civil construction works shall be inspected by Council Officers or Council Nominee during normal office hours as specified in *Council's Engineering Guidelines - Subdivisions and Development Standards December 2008 (Part 1 - Section 4)*. All requests for inspection are to be made to Council's Customer Service Department.

Apart from these inspections various tests are to be conducted in conjunction with the works. Test guidelines and type of tests required are identified in *Council's Engineering Guidelines - Subdivisions and Development Standards December 2008*.

- (2) The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with *Council's Engineering Guidelines – Subdivisions and Development Standards December 2008* and relevant authorities specifications.
- (3) Effective dust/noise/erosion control measures are to be maintained during construction to maintain public safety/ amenity.
- (4) If any damage is occasioned to Council property during building construction, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before construction be immediately notified to Council to avoid later conflict.
- (5) Hours of Work

All building, excavation and demolition work is to be carried out between 7:00am and 6:00 pm Monday and 8:00 am to 1:00 pm Saturday, with no work to be undertaken on Sundays or Public Holidays.

It is also recommended that you liaise with occupants of any surrounding dwellings prior to carrying out work outside these hours.

- (6) Work Cover Authority

The developer is required to comply with any and all requirements of the NSW Work Cover Authority.

- (7) The recommendations prescribed in Clause 6.3 of the Noise Impact Assessment shall be complied with during construction.



**Part L - Prior to the lodgement of the Occupation Certificate application**

**Prior to commencement of use of the development or occupation of a building**, Council must be contacted, an inspection carried out and permit to occupy issued. This is to confirm that all works have been completed and the development is suitable for use for its designed purpose.

- (1) Parking bays and line marking must be implemented substantially in accordance with the approved plans and *Australian Standard 2890.1:2004*. Parking bays and line marking are to be maintained by the owner of the site for the lifetime of the development and are to be installed **prior to the lodgement of an Occupation Certificate application**.
- (2) **Prior to the lodgement of an Occupation Certificate application** provision of a minimum of seven (7) off-street parking spaces each of dimensions 2.6 metres x 5.5 metres, including a minimum of one (1) car parking space of dimensions 3.5 metres x 5.5 metres for disabled persons in accordance with Council's Parking Code to serve the proposed development. Parking bays are to be clearly identified by pavement markings. Spaces adjacent to walls or other obstructions, which may affect door openings or vehicle manoeuvring, are to be widened by an additional 300mm on the side of the obstruction(s).

In respect of parking for disabled persons, approval does not guarantee compliance with the Disability Discrimination Act and the developer should investigate their liability under the Act. The applicant's attention is drawn to the Australian Standard AS 1428 Parts 1, 2, 3 and 4 in respect of acceptable standards of design and requirements.

- (3) **Prior to the lodgement of an Occupation Certificate application**, all internal driveways to the proposed/existing buildings are to be constructed as all-weather access.
- (4) **Prior to the lodgement of an Occupation Certificate application**, a safe all-weather access is to be provided between the property boundary and the road carriageway of Doug McWilliam Road and comprise of the following:
  - Access is to be located so as to conform with sight distance requirements outlined in *Roads and Traffic Authority's Road Design Guide* and *Austroads 1988 Guide to Traffic Engineering Practise – Part 5 (Intersections at Grade)*.
  - The access way should incorporate a concrete dish crossing to a standard prescribed in *Council's Engineering Guidelines - Subdivisions and Development Standards December 2008* in line and grade of existing table drain. If the verge dictates a cross fall greater than 1 in 10 (10%) a concrete pipe culvert of 375mm minimum diameter, minimum 6m length and headwalls to each end will be required in the road table drain. Prior repositioning of the table drain may be necessary to ensure the culvert is clear of the road.
  - Culvert or dish crossing invert levels are to be obtained from Council's Engineering Department prior to construction.
  - The access way is to be constructed of 200mm thick compacted road building gravel. The access way width is to be minimum four (4) metres, with suitable tapers at the connection with the road carriageway.
  - Where the access way connects to a sealed road, the access way is to be bitumen sealed or equivalent hard surface, between the property boundary and the road carriageway.



- The driveway access to the lot is to be located a minimum of one (1) metre away from all services (e.g.: Stormwater pits, Electricity poles)
- Both sides of the access way are to be provided with guideposts, fitted with delineators, to indicate both its location and alignment.
- A design specific for the access way is to be submitted for approval and is to be in accordance with *Council's Engineering Guidelines - Subdivisions and Development Standards December 2008*. An inspection is to be arranged once the access way has been constructed.

A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance **prior to the commencement of work**. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

Council may also require that public liability insurance be held that indemnifies Council to the value of \$20M (minimum) and conduct quality checks of the gravel, aggregate etc.

The property owner remains responsible for the upkeep and maintenance of the access way and associated facilities up to the edge of Council's road shoulder.

The purpose of this requirement is to ensure that suitable access can be gained to the property at all times and in a manner to minimise Council's future maintenance liability.

(5) Inspections and Certificates - Final

On completion of these conditions, the applicant shall contact Council's Customer Service Officers to arrange an inspection to be carried out and the development finalised, and appropriate Occupation Certificate issued.

(6) Fire Hazard Properties

The fire hazard properties of any material or assembly installed in the building must comply with—

- (i) for floor materials, floor coverings, wall and ceiling lining materials, Specification C1.10a; and
  - (ii) for other materials, Specification C1.10 of the Building Code of Australia
- Manufacturers or installers certification that this has been achieved is to be submitted to Council **prior to the lodgement of the Occupation Certificate application**.

(7) Final Fire Safety Certificate

1. A final fire safety certificate, in or to the effect of Form 15 (copy attached) is to be furnished by the owner of the building to the Principal Certifying Authority (PCA) **prior to the issue of an Occupation Certificate**, in respect of all essential fire safety measures specified.
2. The certificate should state that each specified essential fire safety measure has been assessed by a properly qualified person (chosen by the owner), and was found to be capable of performing to the relevant Australian Standard.

Advice: A person who carries out the assessment must inspect and verify the performance of each specified fire safety measure and must test the operation of each new item of equipment installed.

- (8) The Draft Emergency Management Plan shall be amended to follow the requirements as listed in *Fire and Rescue NSW Policy No 1: Guidelines for Emergency Plans at Facilities Having Dangerous Goods, Explosives and Major Hazard Facilities* available at [www.fire.nsw.gov.au](http://www.fire.nsw.gov.au).

A copy of the amended Emergency Management Plan shall be submitted to Council **prior to the Lodgement of the Occupation Certificate Application.**

- (9) The development shall gain all relevant approvals, licenses and permits prior to commencing operations. A copy of the relevant licences shall be submitted to Council **prior to the lodgement of the Occupation Certificate application.**

- (10) The existing septic system servicing the existing unused laboratory building shall gain approval to operate with Council under the provisions of Section 68 of the Local Government Act 1993. Demonstration of approval to operate the system is to be submitted to Council **prior to the lodgement of the Occupation Certificate application.**

Should the current system be found to be inadequate, the system shall be demolished and decommissioned appropriately, including having the contents removed by the appropriate authority and then filled with soil and topped with garden lime. A new application shall be submitted to Council and approved **prior to the lodgement of the Occupation Certificate application.**



**Part O - On-Going Requirements**

This part includes conditions or requirements that will need to be satisfied at all times.

- (1) Vehicles accessing the development are to be limited to Heavy Rigid Vehicles (HRV) as specified in AS2890.
- (2) All vehicular loading and unloading is to be carried out within the site to prevent interference with the use of the public road by vehicles and pedestrians.
- (3) All vehicular movements between the Magazine Building and Laboratory Building are to be via internal all-weather access roads only. Vehicles are not to enter and exit onto Doug McWilliam Road for access/operations between the two buildings.
- (4) All vehicles are required to enter and leave the development in a forward direction to ensure traffic/pedestrian safety.
- (5) Outdoor Advertising

No advertising matter is to be erected, painted or displayed without the prior consent of Council unless it is "Exempt or Complying Development" in accordance with the provisions of State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 or *State Environmental Planning Policy No. 64 Advertising & Signage*.

Any exempt advertising signage proposed to be displayed shall be designed and located such that it complies with the following;

- a) the sign display shall not include:
  - Any flashing lights;
  - Electronically changeable messages;
  - Animated display, moving parts or simulated movements;
  - Complex display that holds motorist's attention beyond "glance appreciation";
  - Display resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'.
- b) The proposed advertising sign and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
- c) The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity as to cause distraction or glare to motorists.
- d) Any proposed sign and supporting structures to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions – Permanent, imposed and other actions and AS1170.2 Structural design actions – wind actions.
- e) Any proposed advertising signage should not obstruct any RTA or road safety or directional signage in the vicinity
- f) The sign should not pose any risk to pedestrian safety.

The road reserve and nature strip are to be kept clear of all advertising material at all times.



(6) Hours of Operation

The hours of operation are limited to the hours set out in the table below:

Days	Time Period
<b>Mondays to Fridays</b>	7:00 am to 6:00 pm
<b>Saturdays</b>	No operations permitted
<b>Sundays and Holidays</b>	No operations permitted

Any alteration to these hours will require a modification to this consent or a separate development application.

- (7) No retail or wholesale trade direct to the public is permitted from the site.
- (8) The required Safe Intersection Sight Distance (SISD) in either direction along the Burley Griffin Way is to be maintained in accordance with the Austroads Guide to Road Design for the prevailing speed limit.
- (9) The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents. It should be noted that any works within the road reserve of a Classified Road requires the RTA's concurrence under section 138 of the Roads Act 1993 prior to commencement of any such works.
- (10) Any works associated with the proposed development shall be at no cost to the RTA.

**Note V - Advisory Notes**

These notes and schedules are provided for advisory purposes only. They do not form part of the consent and are not conditions that need to be satisfied at any stage of this development nor of its on-going operation.

You should study these advices and take special note if they apply to your development or any associated activities.

- (1) Should operations at the site expand in the future, or should traffic generation increase and the types of vehicles to access the site are greater than Heavy Rigid Vehicles, the option of utilising Wood Road for heavy vehicle access will be required to be investigated. A Modification or new development application may need to be submitted to Council for assessment.

**Note W - Inspections, Certificates and Other Approvals**

The following inspections must be carried out, certificates issued or supplied, or additional consents gained at the times or stages shown.

- (1) Inspections During Construction

Should Council be engaged as the Principal Certifying Authority, the following inspections are required to be carried out by Council's officers.

- (a) At the commencement of work
- (b) Piers, pads or post holes prior to the placement of concrete;
- (c) Footing trenches, with reinforcement steel in position, before concrete is poured;
- (d) Concrete slabs, with reinforcement steel in position before concrete is poured;
- (e) Internal/external drains (including **sanitary plumbing** and stackwork) **prior to covering**;  
Note: Drainage lines and stackwork are required to be under water test during the inspection;
- (f) Floor framework – (including bearers, joists and ant capping);
- (g) Wall and roof framework - including damp-proofing, water plumbing "rough-in" and floor, wall and roof construction prior to fixing any linings;
- (h) Waterproofing of wet areas;
- (i) Roof water drainage before backfilling;
- (j) Structural steelwork;
- (k) Completion of work before the building is occupied or used;

Should adequate notice not be given for cancellation of an inspection, or if works have not progressed to a stage where an inspection can be completed, a default penalty shall be imposed upon the applicant by Council.

Twenty four (24) hours notice is to be given to Council's Customer Service by telephoning (02) 6962 8100 to arrange for an inspection to be carried out.

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### **Other Local Government Act Approvals**

In seeking development consent, the following other Local Government Act 1993 approvals have been granted under Section 68 with the attached conditions:

No other approvals sought.



# **General Terms of Approval**

Notice No: 1129469



**Environment,  
Climate Change  
& Water**

## **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  $L_{A10(15 \text{ minute})}$  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.



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## 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.

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## 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.

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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:



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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;

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(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.