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Our reference: SF13/5507:DOC14/31258-01:GN
Contact: Greg Newman (02) 4224 4100

Campbelltown City Council
(Attention: Andrew MacGee)
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Sir

**SUBMISSION ON INTEGRATED DEVELOPMENT APPLICATION
(NUMBER 2325/2013/DA-1) – NOVAPOWER, MINTO**

I am writing in regard to the above Integrated Development Application and additional information forwarded to the Environment Protection Authority (EPA) by Campbelltown City Council (Council) on 15 November 2013 and 12 March 2014 respectively. EPA has reviewed the Statement of Environmental Effects and additional supporting documentation provided with the application and determined that we are able to issue the attached General Terms of Approval (GTA). Council has advised the EPA that no public submissions were received on the exhibited Development Application (DA).

Air quality and noise are the EPA's key environmental issues and the attached conditions largely relate to the control of air and noise emissions. Further, the Noise Impact Assessment stated building acoustic treatment would be required to achieve the required noise emission performance. EPA has included a condition to require the implementation of this treatment work.

In developing these GTAs, the EPA has considered the above key issues, the relevant legislation, and best management practices across this industry sector.

If Council approves this DA, these conditions should be incorporated into the Development Consent. As the activity is scheduled under the Protection of the Environment Operations (POEO) Act 1997, if the DA is approved, the applicant will need to make a separate application to the EPA for an Environment Protection Licence. The EPA also advises that the Proponent will also need to comply with the POEO Act 1997 requirements which include: (1) development of a Pollution Incident Response Management Plan prior to operation and (2) publishing pollution monitoring data.

If you wish to discuss this matter further, please contact Greg Newman on (02) 4224 4100.

Yours sincerely



30/4/14
PETER BLOEM
Manager Illawarra
Environment Protection Authority

Att General Terms of Approval

cc: Mr Anthony Collins
NovaPower Pty Ltd
8 - 10 Bosci Rd
Ingleburn NSW 2565

ATTACHMENT 1**NOVAPOWER, HUNTSMAN ROAD, MINTO****General Terms of Approval**

The Environment Protection Authority (EPA) considers that the following conditions are essential to ensuring the facility is capable of achieving the appropriate environmental outcomes. The EPA proposes to incorporate the following conditions into to an Environment Protection Licence (EPL) if Development Consent is granted and if an EPL application is approved.

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:

- a) Development Application - 2325/2013/DA-1 submitted to Campbelltown City Council on 15 November 2013
- b) Statement of Environmental Effects (SEE) prepared by SKM dated October 2013; and
- c) Additional information dated 12 March 2014.

Discharges to air and water and applications to land**P1 Location of monitoring/discharge points and areas**

P1.1 The following points referred to in the table below are identified for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air or water from the point.

Air

EPA Identification No	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Air Emissions Monitoring	Discharge to Air	Engine 1 Exhaust Outlet
2	Air Emissions Monitoring	Discharge to Air	Engine 2 Exhaust Outlet
3	Air Emissions Monitoring	Discharge to Air	Engine 3 Exhaust Outlet
4	Air Emissions Monitoring	Discharge to Air	Engine 4 Exhaust Outlet

Note 1: A Site Map must be provided with the EPL application identifying the location of discharge and monitoring point/s. This must include eastings and northings for all points.

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 (POEO) Act 1997.

L2 Concentration limits

- L2.1 For each monitoring/discharge point specified in the table below (by a point number), the concentration of a pollutant discharged at that point must not exceed the concentration limits specified for that pollutant in the table.

POINT 1 - 4

Pollutant	Units of measure	100 percentile limit	Reference Conditions	Averaging Period
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	mg/m ³	250	Dry, 273K, 101.3kPa, 5% O ₂	1-hour block
Volatile Organic Compounds (VOCs), as n-propane	mg/m ³	40 or 125 mg/m ³ (Carbon Monoxide)	Dry, 273K, 101.3kPa, 5% O ₂	1-hour rolling

L3 Noise

- L3.1 Noise generated at the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated by Figure 2.1 and 3.1 of the document by SKM titled *Minto NSS: Environmental Noise Assessment* and dated 27 September 2013.

		NOISE LIMITS dB(A)			
Locality	Location	Day	Evening	Night	
		L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Location 1	46 Kimberley Road, Minto. (Residential)	50	48	46	59
Location 2	18 Huntsmore Road, Minto (Industrial)	70	70	70	
Any other	Any other sensitive receiver	50	48	46	59

- L3.2 For the purpose of Condition L3.1;
- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays
 - Evening is defined as the period 6pm to 10pm
 - Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.
- L3.3 The noise limits set out in Condition L3.1 apply under all meteorological conditions except for the following:
- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
 - b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
 - c) Stability category G temperature inversion conditions.

L3.4 To determine compliance:

- a) with the $L_{eq(15 \text{ minute})}$ noise limits in Condition L3.1, 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 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the $L_{A1(1 \text{ minute})}$ noise limits in Condition L3.1, the noise measurement equipment must be located within 1 metre of a dwelling façade; and
- c) with the noise limits in Condition L3.1, 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 Conditions L3.1.

L3.5 A non-compliance of Condition L3.1 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 Conditions L3.1; and/or
- at a point other than the most affected point at a location.

L3.6 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.**L4 Potentially offensive odour****L4.1** No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the POEO Act 1997.

Note: Section 129 of the POEO 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 EPL as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

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.

O2.2 The licensee must carry on any activity, or operate any plant, in or on the premises by such practicable means as may be necessary to prevent or minimise air pollution.

O3 Dust

- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O4 Gas Engines

- O4.1 Gas engines must only operate in conjunction with exhaust stacks that are a minimum of 12 metres above ground level and with a minimum exit velocity of 30 metres per second.

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:
- in a legible form, or in a form that can readily be reduced to a legible form
 - kept for at least four years after the monitoring or event to which they relate took place; and
 - 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:
- the date(s) on which the sample was taken
 - the time(s) at which the sample was collected
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

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

M2.2 Air Monitoring Requirements

Point 1 (or 1 engine exhaust which is representative of all engines)

Pollutant	Units of measure	Frequency	Sampling Method
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	mg/m ³	Post commissioning and Annual	TM-11
Volatile Organic Compounds (VOCs), as n-propane	mg/m ³	Post commissioning and Annual	TM-4
Carbon monoxide	mg/m ³	Post commissioning and Annual	TM-32
Moisture	%	Post commissioning and Annual	TM-22
Molecular weight of stack gases	g/g.mol	Post commissioning and Annual	TM-23
Oxygen	%	Post commissioning and Annual	TM-25
Temperature	°C	Post commissioning and Annual	TM-2
Velocity	m/s	Post commissioning and Annual	TM-2
Volumetric flow rate	m ³ /s	Post commissioning and Annual	TM-2
Selection of sampling positions	-	-	TM-1

M3 Testing methods - concentration limits

- M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
 - b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
 - c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

- M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4 Recording of pollution complaints

- M4.1 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.
- M4.2 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.
- M4.3 The record must be produced to any authorised officer of the EPA who asks to see them.
- M4.4 The record of a complaint must be kept for at least four years after the complaint was made.

M5 Telephone complaints line

- M5.1 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.
- M5.2 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.
- M5.3 The preceding two conditions do not apply until three months after:
- a) the date of the issue of this licence; or
 - b) if this licence is a replacement licence within the meaning of the *Protection of the Environment Operations (Savings and Transitional) Regulation 1998*, the date on which a copy of the licence was served on the licensee under Clause 10 of that regulation.

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:

- a) a Statement of Compliance; and
- b) a Monitoring and Complaints Summary.

At 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.

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 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 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:

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

R1.7 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least four years after the Annual Return was due to be supplied to the EPA.

R1.8 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.

R1.9 A person who has been given written approval to certify a Certificate 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 of this licence.

R2 Notification of environmental harm

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.

- R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.
- R2.2 The licensee must provide written details of the notification to the EPA within seven days of the date on which the incident occurred.

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.

R4 Hours of operation

- R4.1 The licensee must monitor and report the operating hours for each engine. The dates, times, length of operation, and total annual hours of operation must be monitored and recorded. This information must be submitted each year with the annual return.

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.

Special Conditions

E1 Building Acoustic Treatment Plan

Background

The SEE incorporated noise modelling with a "modified building envelope" to achieve the relevant noise criteria at 16 Huntsmore Road, Minto, the nearest industrial building. These modifications included a lined roof and walls. Also the SEE stated that other modifications would be required to accommodate any engine venting. That is, acoustic louvers and exhaust fans fitted with attenuators. The Proponent has requested that other acoustic treatments also be considered as alternatives to these items. The condition below requires the development of an Acoustic Treatment Plan which considers a range of noise mitigation options to achieve the relevant noise criteria

Requirements

- E1.1 By two months from the date of any development consent, the Proponent must submit a Building Acoustic Treatment Plan to the EPA to achieve the relevant noise criteria (listed as 70 dB(A) in the SEE). The plan must consider installation of acoustic louvers, exhaust fans fitted with attenuators, and lining the building walls and roof.
- E1.2 Following EPA approval of the plan and prior to the commencement of operations, the Proponent must confirm in writing to the EPA that the measures listed in the Building Acoustic Treatment Plan have been installed.

Note: If the Operational Noise Compliance Verification (Conditions E2) or any other noise compliance monitoring shows the operational plant does not achieve the limits listed in Condition L3 Noise, EPA proposes to require additional noise mitigation measures.

E2 Operational Noise Compliance Verification

- E2.1 By three months following the commencement of operations, the Proponent must submit a report of a Noise Monitoring Program to confirm the findings of the Noise Impact Assessment included in the Environmental Assessment, and demonstrate compliance with Condition L3.1. The assessment must be prepared by a suitably qualified acoustical consultant and undertaken in accordance with the EPA Industrial Noise Policy.
- E2.2 If the noise monitoring identifies any non-compliance with Condition L3.1, the Proponent must detail what additional measures will be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the EPA.

E3 Air Quality Verification

- E3.1 By four months following commissioning, the Proponent must submit an Air Quality Verification Report (Report) confirming the findings of the AQIA and compliance with Condition L1.
- E3.2 The assessment must be:
- a) prepared in consultation with the EPA
 - b) prepared by a suitably qualified consultant; and
 - c) any monitoring must be in accordance with the *EPA Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.
- E3.3 If the Air Quality Verification Program identifies any emissions in excess of those reported in the SEE or the L1 limits, the Proponent must detail what additional measures could be implemented to achieve the limits, clearly indicate who could implement these measures, when these measures could be implemented, and how the effectiveness of these measures could be measured and reported to the EPA.