

**DETERMINATION OF A DEVELOPMENT APPLICATION
FOR STATE SIGNIFICANT, DESIGNATED AND INTEGRATED DEVELOPMENT
PURSUANT TO SECTION 80(3) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Infrastructure and Planning, pursuant to section 80(3) of the *Environmental Planning and Assessment Act 1979* ("the Act"), and clause 8 of *State Environmental Planning Policy No. 34 – Major Employment-Generating Industrial Development* determine the development application ("the Application") referred to in Schedule 1 by granting **DEFERRED COMMENCEMENT** consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- a) minimise any adverse environmental impacts associated with the development;
- b) provide an opportunity for the Applicant to refine the detailed design of the development within, and consistent with, the scope of the "worst-case" environmental envelope assessed in the Environmental Impact Statement;
- c) ensure effective on-going environmental and safety management and monitoring.

Craig Knowles MP
**Minister for Infrastructure and Planning
Minister for Natural Resources**

Sydney,

2003

File No. S92/00028

SCHEDULE 1

- Application made by:** ADI Limited ("the Applicant");
- To:** The Minister administering the *Environmental Planning and Assessment Act 1979* (at the time of lodgement of the development application, the Minister for Planning);
- In respect of:** Land described in folio identifiers: 1/109684; 27/752290; 1/789194; 1/775807; 2/775807; 1/261444; 2/261444; 3/261444; 4/261444; 5/261444; 6/261444; 7/261444; 641/595990; 642/595990; 1/729539; 2/729539; 1/789195 (other than part being Lot 1 in DP 817227 leased to Corowa Shire Council); 1/88402 and 3/88402 (Volume 8625, Folio 2); and 1/630170 (Volume 15307, Folio 214).
- For the following:** Redevelopment of parts of the existing Mulwala munitions facility, involving the construction, commissioning and operation of new plant and associated infrastructure, and the decommissioning and demolition of redundant plant and infrastructure ("the development"). The scope of the development is described in *Environmental Impact*

Statement – Redevelopment of the Mulwala Facility (two volumes), prepared by URS Australia Pty Ltd and dated August 2002, including:

- new propellants, NC and solvents plants with a production capacity of up to 530 tonnes per annum (per shift) of single and multi-base propellants;
- ancillary services and buildings, including: an administration building; canteen/ training facility; stores facilities; guard house; fire station; magazines; boilerhouse; an operations office; and new buildings within the engineering section;
- reconfiguration of the site entrance;
- upgrade of the site car park;
- possible new ballistics range and HDTTS facility; LOVA manufacturing plant; PBX mixing and filling; CBF; product development laboratory; and NTO manufacturing plant;
- demolition of the existing: glazing house; tray drying building; shaker sieve building; shearing shed; and maintenance stores; and other buildings as necessary to permit construction of the new manufacturing processes;
- demolition of the existing: guard house, shed, office, administration building, store and fire station; store; development office; slurry tank house and NC blending and wringing house; ethanol tank farm; and NC acid tank farm; and other buildings and infrastructure as necessary to permit construction of the new administration and support facilities; and
- possible demolition of the existing: building 228 – ballistics range and magazine 623G; buildings 229 A-J, 299 G-H – magazines; and building 501A – boilerhouse and other buildings and infrastructure as necessary for the munitions facility upgrade.

Development Application:

Integrated DA No. DA-256-08-2002-i, lodged with the Department of Planning on 12 August 2002, accompanied by *Environmental Impact Statement – Redevelopment of the Mulwala Facility* (two volumes), prepared by URS Australia Pty Ltd and dated August 2002;

State Significant Development

Under section 76A(7) of the Act, the proposed development is classified as State significant development because it is a type of development (chemicals processing) listed in Schedule 1 of *State Environmental Planning Policy No. 34 - Major Employment-Generating Industrial Development* and has a capital investment in excess of \$20 million, and will involve more than 100 full-time employment positions;

Commencement of Consent

Pursuant to sections 80(3) and 83 of the *Environmental Planning and Assessment Act 1979*, this consent does not operate until the Applicant has satisfied the requirements of condition 1.1, or an appeal under sections 97 or 98 of the Act has been resolved by the Land and Environment Court (not being refusal of consent), whichever is the later.

Lapse of Consent

Pursuant to section 95 of the *Environmental Planning and Assessment Act 1979*, this development consent is liable to

lapse five years after the date from which it operates (refer to condition 1.1) unless the use of any land, building or work the subject of the consent is actually commenced before the date on which the consent would otherwise lapse.

Appeal Rights

If the Applicant is dissatisfied with this determination, section 97 of the *Environmental Planning and Assessment Act 1979* grants it a right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination. If an objector is dissatisfied with this determination, section 98 of the Act grants him, her or it a right of appeal to the Land and Environment Court, which is exercisable within 28 days of receiving notice of this determination.

BCA Classification:

Classes 5, 7 and 8.

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SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Applicant	ADI Limited
BCA	Building Code of Australia
commissioning	all activities associated with testing and verification of process components, but without the intent of generating, processing, handling or treating any material to achieve the design specifications of a particular process component
construction	any activity requiring a Construction Certificate
Council	Corowa Shire Council
date of activation	the date on which the Director-General confirms, in writing, that the deferred commencement requirements of this consent (as provided under condition 1.1) have been met and the date from which the consent operates, with all conditions of the consent applying to the development
date of endorsement	the date on which the Minister endorsed this instrument of consent
demolition	any activity associated with the decommissioning and removal of any structure or process component being in existence as at the date of endorsement
DEC	NSW Department of Environment and Conservation
Department	NSW Department of Infrastructure, Planning and Natural Resources
Director-General	Director-General of the NSW Department of Infrastructure, Planning and Natural Resources, or delegate
DLWC	NSW Department of Land and Water Conservation (part of the NSW Department of Infrastructure, Planning and Natural Resources at the time of determination of the development application)
dust	any solid material that may become suspended in air
EIS	<i>Environmental Impact Statement – Redevelopment of the Mulwala Facility</i> (two volumes), dated August 2002 and prepared by URS Australia Pty Ltd (URS)
EPA	former NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
licensed discharge point	that point for the discharge of liquid effluent to the environment specified in the EPL for the site
Minister	Minister administering the <i>Environmental Planning and Assessment Act 1979</i> (at the time of determination, the Minister for Infrastructure and Planning), or delegate
munitions facility upgrade operation	the development to which this consent applies all activities, not being commissioning activities, undertaken with the intent of generating, processing, handling or treating any material to achieve the design specifications of a particular process component
Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
POEO Act	<i>Protection of the Environment Operations Act, 1997</i>
site	the land to which this consent applies

1. DEFERRED COMMENCEMENT

1.1 In accordance with section 80(3) of the *Environmental Planning and Assessment Act 1979*, this development consent shall not operate until the Applicant has:

- a) submitted to the satisfaction of the Director-General, details of the scope of processing components of the munitions facility upgrade, consistent with the possible capabilities indicated in section 6 of the EIS;
- b) submitted to the satisfaction of the Director-General, a detailed site layout plan(s) for the munitions facility upgrade, consistent with Figure 6.1 – Conceptual Masterplan of Facility, as provided in the EIS. The site layout plan(s) shall indicate the location of all buildings and services forming part of the munitions facility upgrade;
- c) indicated to the satisfaction of the Director-General, the maximum production capacity of the munitions facility upgrade, not being greater than 530 tonnes per annum (per shift) of single and multi-base propellants;
- d) demonstrated to the satisfaction of the Director-General and the DEC that the monitoring/ discharge points for the munitions facility, as established following detailed design, are generally consistent with the monitoring/ discharge groups specified under condition 5.1 of this consent;
- e) provided to the satisfaction of the Director-General, a staging program for all demolition, decommissioning, construction, commissioning and operation activities associated with the munitions facility upgrade;
- f) ¹submitted to the satisfaction of the Director-General and the DEC, details of the major technologies to be employed as part of the munitions facility upgrade, with an indication of the technology supplier(s) and a demonstration of how the technologies to be employed constitute proven technology;
- g) detailed to the satisfaction of the Director-General which structures, in existence prior to the date of activation, will be demolished as part of the munitions facility upgrade, consistent with section 6.5 of the EIS;
- h) ²provided manufacturer's performance guarantees to the satisfaction of the Director-General and the DEC for all major plant and equipment, including pollution control equipment, demonstrating that the plant and equipment could be operated within the environmental limits predicted in EIS and the relevant requirements of this consent;
- i) received written and dated confirmation from the Director-General that the requirements of conditions 1.1a) to 1.1 h) inclusive have been met to the satisfaction of the Director-General. The date of endorsement of the written confirmation ("date of activation") shall be the date from which this consent becomes active and from which all conditions of this consent apply.

Note: at the time of lodgement of the development application for the munitions facility upgrade, the Applicant had not determined the final scope and capacity of the facility. Rather, details of "worse-case" environmental impacts were provided by the Applicant in the Environmental Impact Statement (EIS) and assessed by the Department prior to the Minister's determination of the development application. Deferred commencement consent has been granted to permit the Applicant to satisfy the Director-General that the detailed final design and scope of the munitions facility upgrade lies within the "worse-case" environmental impacts presented in the EIS.

¹ Incorporates a former EPA (now DEC) General Term of Approval (E3.2)

² Incorporates a former EPA (now DEC) General Term of Approval (E4.6.1)

2. GENERAL

Obligation to Minimise Harm to the Environment

2.1 ³The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, commissioning, operation and where relevant, the decommissioning of the munitions facility upgrade, or the decommissioning and demolition of any existing plant and equipment required prior to, or during, the munitions facility upgrade.

Scope of Development

2.2 ⁴The Applicant shall carry out the development generally in accordance with:

- a) Development Application No. 256-08-2002-i, lodged with the Department of Planning on 12 August 2002;
- b) *Environmental Impact Statement – Redevelopment of the Mulwala Facility* (two volumes), dated August 2002 and prepared by URS Australia Pty Ltd (URS);
- c) additional information supplied by letter from URS Pty Ltd to the Department and the Environment Protection Authority, dated 17 October 2002, in relation to air quality impacts;
- d) additional information supplied by letter from URS Pty Ltd to the Department and the Environment Protection Authority, dated 17 October 2002, in relation to noise impacts;
- e) additional information supplied by email from URS Pty Ltd to the Department, dated 22 November 2002, in relation to impacts on flora and fauna;
- f) the information provided under condition 1.1 of this consent; and
- g) the conditions of this consent.

2.3 In the event of an inconsistency between:

- a) the conditions of this consent and any document listed from condition 2.2a) to 2.2f) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and
- b) any document listed from condition 2.2a) to 2.2f) inclusive, and any other document listed from condition 2.2a) to 2.2f) inclusive, the most recent document shall prevail to the extent of the inconsistency.

Provision of Documents

2.4 Where practicable, the Applicant shall provide all documents and reports required to be submitted to the Director-General under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, shall be in a format acceptable to those parties and shall aim to minimise resource consumption.

2.5 Nothing in this consent prevents the Applicant from combining reporting requirements under this consent with identical or similar reporting requirements for submission to another relevant party. Reporting requirements shall only be combined with the prior agreement of the Director-General of Infrastructure, Planning and Natural Resources and the Director-General (or equivalent) of the other relevant party.

Note: the purpose of conditions 2.4 and 2.5 is to provide for minimisation of resource utilisation (particularly paper) associated with administration of this consent.

Statutory Requirements

2.6 ⁵The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the munitions facility upgrade. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such

³ Incorporates a former EPA (now DEC) General Term of Approval (E1.1)

⁴ Incorporates a former EPA (now DEC) General Term of Approval (A5.1)

⁵ Incorporates a former EPA (now DEC) General Term of Approval (A5.2)

licences, permits or approvals. This condition includes the requirement to undertake the munitions facility upgrade in accordance with Environment Protection Licence No. 4848 under the *Protection of the Environment Operations Act 1997*.

Note: in accordance with section 93 of the *Environmental Planning and Assessment Act 1979*, Environment Protection Licence No. 4848 will be amended to be not inconsistent with the former EPA's (now DEC) General Terms of Approval, upon application by the Applicant within three years of the date of this consent.

Dispute Resolution

- 2.7 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.

3. COMPLIANCE

- 3.1 The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- 3.2 The Applicant shall be responsible for environmental impacts resulting from the actions of all persons on the site, including contractors, subcontractors and visitors.
- 3.3 Prior to each of the events listed from a) to e) below, or within such period otherwise agreed by the Director-General, the Applicant shall certify in writing to the satisfaction of the Director-General, that it has complied with all conditions of this consent applicable prior to that event. Where an event is to be undertaken in stages, the Applicant shall stage certification consistent with the staging program required under condition 1.1e).
- a) commencement of any physical works on the site the subject of this consent;
 - b) commencement of construction of munitions facility upgrade;
 - c) commencement of commissioning of the munitions facility upgrade;
 - d) commencement of operation of the munitions facility upgrade; and
 - e) completion of decommissioning and deconstruction works associated with the munitions facility upgrade.
- 3.4 Notwithstanding condition 3.3 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.
- 3.5 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 2.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

4. DEMOLITION, CONSTRUCTION AND PART 4A CERTIFICATION

- 4.1 In relation to the construction and occupation of the munitions facility upgrade, the Applicant shall provide to the Director-General and Council with the following:
- written notification of the appointment of a Principal Certifying Authority to be received at least two working days prior to the commencement of construction;
 - copies of all Construction Certificates issued for the munitions facility upgrade;
 - written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification shall be provided prior to the commencement of construction the subject of each Certificate;
 - copies of all Occupation Certificates issued for the munitions facility upgrade; and
 - written notification of the intention to occupy the munitions facility upgrade, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification shall be provided prior to the occupation the subject of each Certificate.
- 4.2 Prior to the commencement of any construction or demolition work associated with the munitions facility upgrade, the Applicant shall erect signs at the construction/ demolition site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The signs shall indicate:
- the name, address and telephone number of the Principal Certifying Authority;
 - the name of the person in charge of the construction/ demolition site and telephone number at which that person may be contacted outside working hours; and
 - a statement that unauthorised entry to the construction/ demolition site is prohibited.

The signs shall be maintained for the duration of construction and demolition works.

Demolition

- 4.3 The Applicant shall demolish all relevant structures strictly in accordance with *Australian Standard 2601-1991: The Demolition of Structures*, as in force at 1 July 1993.

5. ENVIRONMENTAL PERFORMANCE

Air Quality Impacts

Monitoring and Discharge Points

- 5.1 ⁶For the purposes of this consent, air monitoring/ air discharge groups shall be identified as provided in Table 1 below.

Table 1 - Identification of Air Monitoring and Discharge Groups

Monitoring/ Discharge Group Identifier	Monitoring/ Discharge Group Description
A	new gas boiler
B	new nitrating house scrubber stack
C	kneading/ pregraphitising (023)
D	solvent drying
E	kneading/ pregraphitising (024)
F	solvent production/ recovery
G	recovery system (acetone adsorb)
H	confined burn facility stack

Note: the monitoring/ discharge groups specified under condition 5.1 of this consent have been established based on the production processes and facilities identified by the Applicant as part of the development application for the munitions facility upgrade, and the resultant

⁶ Incorporates a former EPA (now DEC) General Term of Approval (E4.1.1)

environmental envelope. Because monitoring/ discharge points may be subdivided or consolidated during the detailed design of the munitions facility upgrade, monitoring/ discharge points may be added or removed, in general accordance with the monitoring/ discharge groups identified under condition 5.1. The Applicant is required to demonstrate that the monitoring/ discharge points are consistent with monitoring/ discharge groups as part of the deferred commencement provisions of this consent (refer to condition 1.1). Should the final configuration of monitoring/ discharge points not be consistent with monitoring/ discharge groups, a further appropriate approval(s) under the *Environmental Planning and Assessment Act 1979* may be required.

Odour

- 5.2 ⁷The Applicant shall design, construct, operate and maintain the munitions facility upgrade to prevent the emission of any offensive odour from the site that is attributable to the operation of the munitions facility upgrade. For the purpose of this condition, “offensive odour” has the same meaning as defined under the *Protection of the Environment Operations Act 1997*.

Dust Emissions

- 5.3 The Applicant shall design, construct, commission, operate and maintain the munitions facility upgrade in a manner that minimises dust emissions from the site. The Applicant shall ensure that there are no visible dust emissions from the site.
- 5.4 The Applicant shall take all practicable measures to ensure that all vehicles entering, leaving or moving around the site, carrying any material that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times.

Discharge Limits

- 5.5 ⁸The Applicant shall design, construct, commission, operate and maintain the munitions facility upgrade to ensure that at the monitoring/ discharge groups indicated in Table 2 below (refer to condition 5.1 of this consent), the concentration of each pollutant listed for that point does not exceed the maximum allowable discharge concentration limit specified for that pollutant during the operation of the upgraded facility.

For the purpose of monitoring and determining compliance with this condition "dioxins and furans" shall be polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF), presented as 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) equivalent and calculated in accordance with the procedures included in Part 9, clause 19 of the *Clean Air (Plant and Equipment) Regulation 1997*.

Table 2 - Maximum Allowable Discharge Concentration Limits (Air)

Monitoring/ Discharge Group	Pollutant	Maximum Discharge Concentration Limit	Reference Conditions	Averaging Period
A	nitrogen oxides (as NO ₂)	145 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂	as per test method
B	nitric acid (as HNO ₃)	1590 mgm ⁻³	dry, 273K, 101.3 kPa	as per test method
	nitrogen oxides (as NO ₂)	1500 mgm ⁻³	dry, 273K, 101.3 kPa	as per test method
H	solid particles	10 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	as per test method
	carbon monoxide	100 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	rolling 1-hour average
	hydrogen chloride	10 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	as per test method
	any fluorine compound (as HF)	1 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	as per test method

⁷ Incorporates a former EPA (now DEC) General Term of Approval (E4.7.1)

⁸ Incorporates former EPA (now DEC) General Terms of Approval (E4.2.1 and E4.2.2)

	sulfuric acid mist (H ₂ SO ₄) or sulfur trioxide (SO ₃) or both (as SO ₃)	100 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	as per test method
	sulfur dioxide	50 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	as per test method
	nitrogen oxides (as NO ₂)	80 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	as per test method
	Mercury	0.05 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	as per test method
	Cadmium	0.05 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	as per test method
	total of Sb, As, Be, Cd, Cr, Co, Pb, Mn, Hg, Ni, Se, Sn and V	5 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	as per test method
	dioxins and furans	0.1 ngm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	as per test method
	total volatile organic compounds (VOC) (as n-hexane)	10 mgm ⁻³	dry, 273K, 101.3 kPa, 11% O ₂	rolling 1-hour average
	Opacity	20%	gas stream temperature above dew point. Path length corrected to stack exit diameter	6-minute block

- 5.6 ⁹The Applicant shall design, construct, commission, operate and maintain the munitions facility upgrade to ensure that at the monitoring/ discharge groups indicated in Table 3 below (refer to condition 5.1 of this consent), the mass flowrate of each pollutant listed for that point does not exceed the maximum allowable mass discharge limit specified for that pollutant during operation of the upgraded facility.

Table 3 - Maximum Allowable Mass Discharge Limits (Air)

Monitoring/ Discharge Group	Pollutant	Maximum Mass Discharge Limit	Reference Conditions
C and E (individually)	ethyl ether	6.0 gs ⁻¹	dry, 273K, 101.3 kPa
	Ethanol	1.4 gs ⁻¹	dry, 273K, 101.3 kPa
	Acetone	4.3 gs ⁻¹	dry, 273K, 101.3 kPa
D	ethyl ether	1.8 gs ⁻¹	dry, 273K, 101.3 kPa
	Ethanol	3.9 gs ⁻¹	dry, 273K, 101.3 kPa
	Acetone	1.5 gs ⁻¹	dry, 273K, 101.3 kPa
F and G (individually)	ethyl ether	0.3 gs ⁻¹	dry, 273K, 101.3 kPa
	Ethanol	0.2 gs ⁻¹	dry, 273K, 101.3 kPa
	Acetone	0.2 gs ⁻¹	dry, 273K, 101.3 kPa

Design and Construction

- 5.7 ¹⁰The Applicant shall design, construct, operate and maintain the munitions facility upgrade to ensure that the monitoring/ discharge groups indicated in Table 4 below (refer to condition 5.1 of this consent) meet the minimum stack heights and discharge velocities specified in the Table for those monitoring/ discharge groups during operation of the upgraded facility.

Table 4 - Monitoring/ Discharge Point Design Parameters

Monitoring/ Discharge Group	Minimum Stack Height (m)	Minimum Discharge Velocity (ms ⁻¹)
A	7	17
B	20	11.4

⁹ Incorporates former EPA (now DEC) General Terms of Approval (E4.3.1 and E4.3.2)

¹⁰ Incorporates a former EPA (now DEC) General Term of Approval (E4.4.1)

- 5.8 ¹¹The Applicant shall design, construct, operate and maintain all stacks associated with the munitions facility upgrade in accordance with good engineering practice in order to minimise the effects of stack tip downwash and building wake effects on ground-level air pollutant concentrations.

Note: the DEC refers to the following documents for determining “good engineering practice”:

- a) USEPA, 1985, *Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations)*, Revised EPA-450/4-80-023R, United States Environmental Protection Agency, Washington DC, USA;
- b) USEPA, 1995, *User’s Guide to the Building Profile Input Program*, Revised February 1995, EPA-454/R-93-038, United States Environmental Protection Authority, Washington DC, USA; and
- c) USEPA, 1997, *Addendum to ISC3 User’s Guide, The Prime Plume Rise and Building Downwash Model*, United States Environmental Protection Agency, Washington DC, USA.

- 5.9 ¹²Prior to the commencement of construction of the munitions facility upgrade, the Applicant shall submit for the approval of the Director-General an air quality impact assessment for the final design of the munitions facility upgrade (consistent with the final design detailed to satisfy the deferred commencement provisions of this consent, refer to condition 1.1). The assessment shall indicate the air quality performance of the upgraded facility and shall demonstrate that each of the components listed below has been designed to a performance specification equivalent to, or better than, the performance characteristics assumed in the EIS. The air quality assessment shall be prepared in accordance with the former EPA’s *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW*, to address the requirements of the DEC and to meet the specifications listed under condition 5.10 of this consent. Process components to be subjected to an air quality impact assessment are as follows:

- a) the new boiler;
- b) the new propellants plant;
- c) the new nitrocellulose plant;
- d) the new solvents plant;
- e) the ballistics range and hazard data test sheet facility;
- f) the new Low Vulnerability Ammunition (LOVA) manufacturing plant;
- g) the new Confined Burning Facility (CBF);
- h) the new product development laboratory; and
- i) the new NTO manufacturing plant.

Where the above process components remain as options within the final upgrade, the air quality impact assessment shall include projected emissions from the optional process components and a revised air quality impact assessment submitted should these proceed in varied form. The air quality assessment shall be submitted to the Director-General and the DEC no later than two months prior to the commencement of construction of the munitions facility upgrade.

- 5.10 ¹³The air quality assessments referred to under condition 5.9 of this consent shall (as appropriate):

- a) demonstrate that the Confined Burning Facility and associated stack have been designed to ensure that ground-level concentrations of all air pollutants will be below the DEC’s impact assessment criteria (refer to *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales*);
- b) demonstrate that the emission rates of ethyl ether, ethanol and acetone from the munitions facility upgrade will be equal to, or less than the limits specified under condition 5.5 of this consent;

¹¹ Incorporates a former EPA (now DEC) General Term of Approval (E4.4.2)

¹² Incorporates former EPA (now DEC) General Terms of Approval (E4.5.1 and E4.5.3)

¹³ Incorporates a former EPA (now DEC) General Term of Approval (E4.5.2)

- c) demonstrate that all atmospheric emissions of ethyl ether, ethanol and acetone will be discharged through stacks designed to ensure that ground-level concentrations of those compounds will be below:
 - i) ethyl ether: 700 μgm^{-3} (30-minute average);
 - ii) ethanol: 3,800 μgm^{-3} (3-minute average); and
 - iii) acetone: 48,000 μgm^{-3} (3-minute average).
- d) determine stack emission concentration limits for ethyl ether, ethanol and acetone for each stack discharge point based on achieving the design ground-level concentration criteria detailed in c).

Soil and Groundwater Impacts

5.11 ¹⁴The Applicant shall design, construct, operate and maintain the munitions facility upgrade to ensure that no mud, dust or other similar material associated with the munitions facility upgrade is deposited outside the site.

Water Quality and Consumption

5.12 ¹⁵The Applicant shall design, construct, operate and maintain the munitions facility upgrade to ensure that all wastewater generated by the operation of the munitions facility upgrade, including boiler blowdown water, is:

- a) reused or recycled within the production processes on the site; or
- b) discharged to atmosphere through an evaporative process; or
- c) lawfully disposed in accordance with a trade waste agreement; or
- d) discharged via a licensed discharge point (as defined under the Environment Protection Licence for the site), and in accordance with the conditions of this consent and the Environment Protection Licence applying to discharges from that licensed discharge point.

Note: as at the date of endorsement, the only licensed discharge point for the discharge of liquid effluent to the environment is the end of the pipe at the Murray River.

5.13 ¹⁶The Applicant shall design, construct, operate and maintain the munitions facility upgrade to ensure that all wastewater generated at the munitions facility upgrade does not cause water discharged from the licensed discharge point to exceed the maximum allowable concentration limits specified in Table 5 below.

Table 5 - Maximum Allowable Water Quality Concentration Limits

Pollutant	Maximum Allowable Concentration Limit
Conductivity	1500 μScm^{-1}
Lead	10 μgL^{-1}
oil and grease	2 mgL^{-1}
pH	6.5 to 8.5
Sulfate	1450 mgL^{-1}
total nitrogen	10 mgL^{-1}
total nitrate and nitrate (oxidised nitrogen)	10 mgL^{-1}
Ethanol	30 mgL^{-1}
total suspended solids	15 mgL^{-1}
Mercury	1 μgL^{-1}
BOD ₅	10 mgL^{-1}

Note: the licensed discharge point discharges wastewater collected from the munitions facility upgrade as well as existing development on the site. Wastewater from the munitions facility upgrade alone may not necessarily meet the water quality limits specified under

¹⁴ Incorporates a former EPA (now DEC) General Term of Approval (E2.2)

¹⁵ Incorporates a former EPA (now DEC) General Term of Approval (E5.1.1)

¹⁶ Incorporates former EPA (now DEC) General Terms of Approval (E5.1.2 and E5.1.3)

condition 5.13 of this consent, but must not cause an exceedence of the water quality limits at the licensed discharge point when the combined wastewater discharge load is considered. Condition 5.13 of this consent does not preclude the installation of plant and equipment that may generate wastewater with pollutant loads greater than those specified in Table 5, provided that the wastewater is effectively treated to achieve the required discharge concentrations prior to release from the licensed discharge point.

Hazards and Risk Impacts

Bunding and Spill Management

5.14 ¹⁷The Applicant shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:

- a) all relevant Australian Standards;
- b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
- c) the former EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

Emergency Response

5.15 The Applicant shall successfully rehearse the Emergency Plan referred to under condition 8.8c) of this consent on at least one occasion prior to the commencement of operation of the munitions facility upgrade. The rehearsal shall include a simulated response to a full-scale emergency at the site and shall involve relevant stakeholders, including, but not necessarily limited to relevant emergency services.

Security and Crime

5.16 Prior to the commencement of operation of the munitions facility upgrade, the Applicant shall demonstrate to the satisfaction of the Director-General that it has developed and implemented appropriate measures to ensure the security of the site and the minimisation of the potential for crime. The demonstration shall address, but need not necessarily be limited to:

- a) details of physical measures to prevent unauthorised access to the site;
- b) lighting to be utilised on the site to minimise the potential for crime on the site and along its boundaries;
- c) monitoring to be implemented to detect unauthorised access to the site, or crime on the site or along its boundaries; and
- d) procedures to be followed in the event of unauthorised access to the site, or crime on the site or along its boundaries.

Security and crime minimisation and management measures shall be included in the Emergency Plan required under condition 8.8c) of this consent.

Noise Impacts

Construction Noise

5.17 ¹⁸The Applicant shall only undertake noisy construction activities, including pile driving and jack picking activities between the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
- b) 7:00 am to 1:00 pm on Saturdays; and
- c) at no time on Sundays or public holidays.

For the purpose of this condition, "noisy construction activities" are those activities that generate an audible noise at the boundary of the site.

¹⁷ Incorporates former EPA (now DEC) General Terms of Approval (E1.2.1 and E1.2.2)

¹⁸ Incorporates a former EPA (now DEC) General Term of Approval (E6.1.1)

- 5.18 ¹⁹The hours of noisy construction activities specified under condition 5.17 of this consent may be varied with the prior written approval of the Director-General. Any request to alter the hours of noisy construction activities specified under condition 5.17 shall be:
- considered on a case-by-case basis;
 - accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
 - accompanied by written evidence of the DEC's agreement with the proposed variation in construction times, after providing any information necessary for the DEC to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors outside the site.

Operation Noise

- 5.19 ²⁰The Applicant shall design, construct, operate and maintain the munitions facility upgrade to ensure that the operation of the munitions facility upgrade does not cause the noise limits specified in Table 6 to be exceeded by the site as a whole during the periods indicated. The maximum allowable noise levels apply under wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level) and temperature inversion conditions up to 3°C per 100 metres.

Table 6 - Maximum Allowable Noise Contribution

Time	Maximum Allowable Noise Levels, L _{Aeq(15 minute)} (dB(A))
Daytime (7:00 am to 6:00 pm on any day)	55
Evening (6:00 pm to 10:00 pm on any day)	45
Night (10:00 pm to 7:00 am on any day)	40

Note: condition 5.19 of this consent reflects noise impact outcomes for the entire site, including existing development and the munitions facility upgrade, to permit the Applicant to achieve an appropriate noise impact outcome by either applying noise mitigation measures to the munitions facility upgrade, or by improving the noise performance of existing plant and equipment. Environmental impact assessment of the munitions facility upgrade suggests that, given the noise performance of the existing plant, the noise levels indicated in condition 5.19 could be achieved with noise contributions from the munitions facility upgrade of 40 dB(A) (L_{Aeq(15 minute)}, daytime), 37 dB(A) (L_{Aeq(15 minute)}, evening) and 32 dB(A) (L_{Aeq(15 minute)}, night). The noise contributions from the munitions facility upgrade may be higher and still meet the noise criteria for the site as a whole with an appropriate reduction in the noise contributions from existing plant and equipment.

- 5.20 For the purpose of assessment of noise contributions specified under condition 5.19 of this consent, noise from the munitions facility upgrade shall be
- measured at the most affected point on or within the receptor site boundary; and
 - subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000).
- 5.21 Notwithstanding condition 5.20 of this consent, should direct measurement of noise from the site be impractical, the Applicant may employ an alternative noise assessment method deemed acceptable by the DEC (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the DEC shall be submitted to the Director-General prior to the implementation of the assessment method.

Traffic and Transport

- 5.22 The Applicant shall ensure that sufficient parking is provided on the site to accommodate all vehicles associated with construction, commissioning, operation and decommissioning/

¹⁹ Incorporates a former EPA (now DEC) General Term of Approval (E6.1.2)

²⁰ Incorporates a former EPA (now DEC) General Term of Approval (E2.2.2)

deconstruction works for the munitions facility upgrade, including vehicles transporting equipment, materials, contractors and workers. The Applicant shall not permit any vehicle associated with the munitions facility upgrade to park in public streets or on public footpaths surrounding the site.

Waste Generation and Management

5.23 ²¹The Applicant shall not undertake uncontrolled open burning of explosives-contaminated waste materials on the site as part of the munitions facility upgrade.

5.24 ²²Prior to the commencement of construction of the munitions facility upgrade, the Applicant shall submit for the approval of the Director-General details of facilities to be constructed and operated to eliminate the uncontrolled burning of explosives contaminated waste materials. These details shall include, but not necessarily be limited to:

- a) design details of a thermal disposal unit to be constructed, operated and maintained as follows:
 - iv) similar to the confined burning facility described in section 6.7.19 of the EIS;
 - v) suitably sized to handle all out-of-specification ordinance and all packaging materials likely to require such destruction; and
 - vi) equipped with pollution controls that can effectively limit the concentration of pollutants emitted to air to less than the limits specified for point H in condition 5.5.
- b) design details of an Equipment Decontamination Facility to be constructed, operated and maintained as follows:
 - i) similar to that described in section 6.7.19 of the EIS; and
 - ii) with smoke-free emission characteristics.

The submission of design details required under this condition shall be accompanied by written agreement from the DEC of the details and waste management approach.

Flora, Fauna and Visual Amenity Impacts

Vegetation Clearing

5.25 Prior to the commencement of any vegetation clearing associated with the munitions facility upgrade, a survey of all vegetation to be cleared shall be undertaken by an independent, qualified ecologist approved by the Director-General. The survey shall specifically identify the number and condition of the following species to be removed from the site:

- a) River Red Gum (*Eucalyptus camaldulensis*);
- b) White Cypress Pine (*Callitris columellaris*);
- c) Black Cypress Pine (*Callitris endlicheri*);
- d) Blakely's Gum (*Eucalyptus blakelyi*);
- e) Yellow Box (*Eucalyptus melliodora*);
- f) Grey Box (*Eucalyptus microcarpa*);
- g) White Box (*Eucalyptus albens*);
- h) Cootamundra Wattle (*Acacia baileyana*);
- i) Gold Dust Wattle (*Acacia acinacea*); and
- j) Pin Bush Wattle (*Acacia burkitti*).

Results of this survey shall be provided to the Director-General and shall be used in the development of the Landscape Management Plan referred to under condition 8.8e) of this consent.

5.26 The Applicant shall ensure that all trees removed from the site are replaced with no fewer than one tree for every tree meeting the criteria referred to under condition 5.25. Revegetation, including species selection, location and management shall be undertaken in accordance with the Landscape Management Plan approved by the Director-General under condition 8.8e) of this consent.

²¹ Incorporates a former EPA (now DEC) General Term of Approval (E3.2)

²² Incorporates a former EPA (now DEC) General Term of Approval (E3.2)

Lighting

- 5.27 The Applicant must ensure that all external lighting associated with the munitions facility upgrade is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding properties or roadways. The lighting must be the minimum level of illumination necessary and shall comply with *AS4282(INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting*.

Advertising

- 5.28 This consent does not permit the display of any advertisement, or the erection of any advertising structure, on the site. This condition does not apply to any advertisement or structure that cannot be seen from the nearest public place, nor any signage specified elsewhere in this consent (refer to condition 4.2).

Note: clause 34 of the *Corowa Local Environmental Plan 1989* provides that commercial signs may be erected on the site with the consent of Council.

Heritage

- 5.29 The Applicant shall not undertake any demolition, construction or operation works within 50 metres of the scarred tree identified as "Anutech Site No. 3".

Note: condition 5.29 of this consent is imposed to minimise potential impacts, particularly in relation to soil disturbance and vibration, that may affect the scarred tree, which is already in poor condition.

- 5.30 Prior to the commencement of demolition of any structure on the site, a heritage assessment of the particular structure shall be undertaken by an independent, qualified heritage expert to determine the heritage value of the structure to be demolished. The heritage assessment(s) shall be undertaken in consultation with the NSW Heritage Office. A report on the findings and recommendations of the heritage assessment(s) shall be submitted for the approval of the Director-General at least one month prior to the commencement of demolition of subject structure(s), or within such period otherwise agreed by the Director-General. Should the heritage assessment conclude that a particular structure has significant heritage value, the report submitted to the Director-General shall include measures to maintain this value (this may include not demolishing the structure(s)). The Director-General may require that the Applicant implement certain measures to address the findings and recommendations of the heritage assessment(s).

6. ENVIRONMENTAL MONITORING AND AUDITING

Air Quality Monitoring

- 6.1 ²³Unless otherwise specified, all air quality monitoring methods referred to under this consent are detailed in *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*. All air quality monitoring required under this consent is required to be undertaken in strict accordance with that document.

Discharges to Atmosphere

- 6.2 ²⁴The Applicant shall determine the pollutant concentrations and emission parameters specified in Table 7 below, at each monitoring/ discharge group indicated (refer to condition 5.1 of this consent), and employing the sampling and analysis methods specified. Monitoring shall be undertaken post commissioning at the frequency specified in the Table. For the purpose of monitoring required under this condition, "dioxins and furans" shall be polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF), presented as 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) equivalent and calculated in

²³ Incorporates a former EPA (now DEC) General Term of Approval (E4.8.1)

²⁴ Incorporates a former EPA (now DEC) General Term of Approval (E4.8.1)

accordance with the procedures included in Part 9, clause 19 of the *Clean Air (Plant and Equipment) Regulation 1997*.

Table 7 – Pollutant and Parameter Monitoring (Air)

Monitoring/ Discharge Group	Pollutant/ Parameter	Method	Units of Measure	Frequency
A	nitrogen oxides (as NO ₂)	TM-11	mgm ⁻³	annually
	Velocity	TM-2	ms ⁻¹	annually
	volumetric flowrate	TM-2	m ³ s ⁻¹	annually
	Temperature	TM-2	K	annually
	Moisture	TM-22	%	annually
	dry gas density/ molecular weight of stack gases	TM-23	kgm ⁻³ , g.gmol ⁻¹	annually
	Oxygen	TM-25	%	annually
	selection of sampling points	TM-1	-	-
B	nitric acid (as HNO ₃)	Refer to condition 6.3	mgm ⁻³	quarterly
	nitrogen oxides	TM-11	mgm ⁻³	quarterly
	Velocity	TM-2	ms ⁻¹	annually
	volumetric flowrate	TM-2	m ³ s ⁻¹	annually
	Temperature	TM-2	K	annually
	Moisture	TM-22	%	annually
	dry gas density/ molecular weight of stack gases	TM-23	kgm ⁻³ , g.gmol ⁻¹	annually
	Oxygen	TM-25	%	annually
selection of sampling points	TM-1	-	-	
C, D, E, F, G (individually)	Ethanol	OM-2	mgm ⁻³	quarterly
	ethyl ether	OM-2	mgm ⁻³	quarterly
	Acetone	OM-2	mgm ⁻³	quarterly
	Velocity	TM-2	ms ⁻¹	quarterly
	volumetric flowrate	TM-2	m ³ s ⁻¹	quarterly
	Temperature	TM-2	K	quarterly
	Moisture	TM-22	%	quarterly
	dry gas density/ molecular weight of stack gases	TM-23	kgm ⁻³ , g.gmol ⁻¹	quarterly
	selection of sampling points	TM-1	-	-
H	solid particles	TM-15	mgm ⁻³	quarterly
	carbon monoxide	CEM-4	mgm ⁻³	continuous
	hydrogen chloride	TM-7 & TM-8	mgm ⁻³	quarterly
	any fluorine compound (as HF)	TM-9	mgm ⁻³	quarterly
	sulfuric acid mist (H ₂ SO ₄) or sulfur trioxide (SO ₃) or both (as SO ₃)	TM-3	mgm ⁻³	quarterly
	sulfur dioxide	TM-4	mgm ⁻³	quarterly
	nitrogen oxides (as NO ₂)	TM-11	mgm ⁻³	quarterly
	Mercury	TM-13, TM-14 & TM-15	mgm ⁻³	quarterly
	Cadmium	TM-13, TM-14 & TM-15	mgm ⁻³	quarterly
	total of Sb, As, Be, Cd, Cr, Co, Pb, Mn, Hg, Ni, Se, Sn and V	TM-13, TM-14 & TM-15	mgm ⁻³	quarterly
	dioxins and furans	TM-18	ngm ⁻³	quarterly
	total volatile organic compounds (VOC) (as n-hexane)	CEM-8	mgm ⁻³	continuous
	Opacity	CEM-1	%	continuous
	Velocity	TM-2	ms ⁻¹	annually
	volumetric flowrate	TM-2	m ³ s ⁻¹	annually
	Temperature	TM-2	K	annually
	Moisture	TM-22	%	annually
	dry gas density/ molecular weight of stack gases	TM-23	kgm ⁻³ , g.gmol ⁻¹	annually
	Oxygen	TM-25	%	annually
	selection of sampling points	TM-1	-	-

- 6.3 Prior to the commencement of commissioning of the munitions facility upgrade, the Applicant shall submit to the Director-General details of the monitoring method for nitric acid (as HNO₃) to be employed under condition 6.2 of this consent. Details of the monitoring method shall be accompanied by evidence of the DEC's satisfaction with the monitoring method to be employed.
- 6.4 The Applicant may seek the approval of the Director-General to alter the frequency of any pollutant concentration or emission parameter determination required under condition 6.3 of this consent. Any request for approval shall only be made provided:
- concentration/ parameter determination has been undertaken for a period of no less than 12 months (measured from the commencement of operation of the relevant component of the munitions facility upgrade);
 - there has been no exceedence of any limit placed on the subject concentration/ parameter by this consent within the 12-month period;
 - there has been no reasonable complaint received from the public in relation to the subject concentration/ parameter within the preceding 12-month period (refer to condition 7.3 of this consent); and
 - the request is accompanied by written agreement of the DEC with the proposed alteration to the frequency of concentration/ parameter determination.

Note: condition 6.4 recognises that on-going monitoring may demonstrate that air quality limits imposed under this consent are consistently met, and the need for rigorous and frequent monitoring may be relaxed.

Air Quality Performance Verification

- 6.5 Within 90 days of the commencement of operation of the final component of the munitions facility upgrade to have been commissioned, or as may be directed by the Director-General, and during a period in which the facility is operating under design loads and normal operating conditions, the Applicant shall undertake a program to confirm the air emission performance of the facility. The program shall include, but not necessarily be limited to:
- point source emission sampling and analysis subject to the requirements listed under condition 6.1;
 - a comprehensive air quality impact assessment, using actual air emission data collected under a). The assessment shall be undertaken strictly in accordance with the methods outlined in *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA, 2001);
 - a comparison of the results of the air quality impact assessment required under b) above, and the predicted air quality impacts detailed in the documents listed under condition 2.2 of this consent and the predictions made in the air quality assessments required under conditions 5.9 and 5.10;
 - a comparison of the results of the air quality impact assessment required under b) above, and the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001); and
 - details of any entries in the Complaints Register (condition 7.3 of this consent) relating to air quality impacts.

A report providing the results of the program shall be submitted to the Director-General and the DEC with 28 days of completion of the testing required under a).

- 6.6 In the event that the program undertaken to satisfy condition 6.5 of the consent indicates that the operation of the munitions facility upgrade, under design loads and normal operating conditions, will lead to:
- greater point source emissions or ground-level concentrations of air pollutants than predicted in the documents listed under condition 2.2 of this consent; or

- b) greater point source emissions or ground-level concentrations of air pollutants than predicted in the air quality assessments required under documents listed under conditions 5.9 and 5.10 of this consent; or
- c) greater point source emissions or ground-level concentrations of air pollutants than the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001);

then the Applicant shall provide details of remedial measures to be implemented to reduce point source emissions or ground-level concentrations of air pollutants to no greater than that predicted in the documents listed under conditions 2.2, 5.9 and 5.10 of this consent and to meet the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001). Details of the remedial measures and a timetable for implementation shall be submitted to the Director-General for approval within such period as the Director-General may require, and be accompanied by evidence that the DEC is satisfied that the remedial measures are acceptable.

Note: the purpose of conditions 6.5 and 6.6 of this consent is to confirm the air quality performance of the munitions facility upgrade, as predicted in those documents listed under condition 2.2 and the refined air quality assessments required under conditions 5.9 and 5.10. Condition 6.6 provides a mechanism for the implementation of additional mitigating measures, in the event that predicted air quality performance cannot be demonstrated under a real, operational situation.

The Applicant will be required to operate the munitions facility upgrade to meet the requirements specified in the Environment Protection Licence under the *Protection of the Environment Operations Act 1997*. The DEC will take all necessary actions under that Act if any licence condition is breached. These actions may be independent of the process outlined under conditions 6.5 and 6.6 of this consent.

Noise Monitoring

- 6.7 ²⁵Within 90 days of the commencement of operation of the final component of the munitions facility upgrade to be commissioned, or as may be directed by the Director-General, and during a period in which the facility is operating under design loads and normal operating conditions, the Applicant shall undertake a program to confirm the noise emission performance of the facility. The program shall meet the requirements of the DEC, and shall include, but not necessarily be limited to:
- a) noise monitoring, consistent with the guidelines provided in the *New South Wales Industrial Noise Policy* (EPA, 2000), to assess compliance with condition 5.17 of this consent;
 - b) methodologies for noise monitoring;
 - c) location of noise monitoring;
 - d) frequency of noise monitoring;
 - e) identification of monitoring sites at which pre- and post-development noise levels can be ascertained; and
 - f) details of any entries in the Complaints Register (condition 7.3 of this consent) relating to noise impacts.

A report providing the results of the program shall be submitted to the Director-General and the DEC with 28 days of completion of the testing required under a).

- 6.8 ²⁶In the event that the program undertaken to satisfy condition 6.7 of the consent indicates that the operation of the munitions facility upgrade, under design loads and normal operating conditions, will lead to greater noise impacts than permitted under condition 5.19 of this consent, then the Applicant shall provide details of remedial measures to be implemented to reduce noise impacts to levels required by that condition. Details of the remedial measures

²⁵ Incorporates former EPA (now DEC) General Terms of Approval (E6.3.1 and E6.3.2)

²⁶ Incorporates former EPA (now DEC) General Term of Approval (E6.3.2 and E6.3.3)

and a timetable for implementation shall be submitted to the Director-General for approval within eight months of the commencement of operation, and be accompanied by evidence that the DEC is satisfied that the remedial measures are acceptable.

Note: the DEC may include the outcomes of the noise monitoring and remedial measures referred to under conditions 6.7 and 6.8 in the Environment Protection Licence for the site. Remedial measures may also require additional approvals under the *Environmental Planning and Assessment Act 1979*, depending on the nature and scope of any measures proposed.

Auditing

- 6.9 Twelve months after the commencement of operation of the final component of the munitions facility upgrade to be commissioned, or as may be directed by the Director-General, the Applicant shall commission an independent, qualified person or team to undertake a Hazard Audit of the munitions facility upgrade. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. A **Hazard Audit Report** shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. Further Hazard Audits shall be undertaken every three years, or as otherwise directed by the Director-General. Hazard Audits shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*.
- 6.10 Twelve months after the commencement of operation of the final component of the munitions facility upgrade to be commissioned, or as may be directed by the Director-General, and every year thereafter, the Applicant shall commission an independent person or team to undertake an Environmental Audit of the munitions facility upgrade. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted for comment to the Director-General and the DEC within one month of the completion of the Audit. The Audit shall:
- a) be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
 - b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the munitions facility upgrade;
 - c) assess the environmental performance of the munitions facility upgrade against the predictions made and conclusions drawn in the documents referred to under condition 2.2 of this consent; and
 - d) review the effectiveness of the environmental management of the munitions facility upgrade, including any environmental impact mitigation works.

The Director-General may, having considered any submission made by the DEC in response to the Environmental Audit Report, require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may agree.

7. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 7.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request.

Complaints Procedure

- 7.2 Prior to the commencement of construction of the munitions facility upgrade, the Applicant shall ensure that the following are available for community complaints:
- a) a 24-hour, toll-free telephone number on which complaints about the munitions facility upgrade may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be advertised on at least one occasion prior to the commencement of construction of the munitions facility upgrade, through a medium approved by the Director-General. These details shall also be provided on the Applicant's internet site, should one exist.

- 7.3 The Applicant shall record details of all complaints received through the means listed under condition 7.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the DEC and the Director-General upon request.

8. ENVIRONMENTAL MANAGEMENT

Environmental Representative

- 8.1 Prior to the commencement of construction of any component of the munitions facility upgrade, the Applicant shall nominate a suitably qualified and experienced Environmental Representative(s). The Applicant shall employ the Environmental Representative(s) on a full-time basis during the construction, commissioning and operation of the munitions facility upgrade. The Environmental Representative shall be:
- a) the primary contact point in relation to the environmental performance of the munitions facility upgrade;
 - b) responsible for all Management Plans and Monitoring Programs required under this consent;
 - c) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the munitions facility upgrade;
 - d) responsible for receiving and responding to complaints in accordance with condition 7.3 of this consent;
 - e) required to facilitate an induction and training program for relevant persons involved with the operation of the munitions facility upgrade (refer to condition 8.4 of this consent); and
 - f) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Applicant shall notify the Director-General and the DEC of the name and contact details of the Environmental Representative upon appointment, and any changes to that appointment that may occur from time to time.

Standard Operating Procedures

- 8.2 The Applicant shall develop Standard Operating Procedures (SOPs) for all plant items relating to the munitions facility upgrade, including but not necessarily limited to procedures for the handling of explosive materials, operation of major process units and operation of pollution control equipment. The Procedures shall identify critical operating parameters for each item of plant, identifying appropriate operating levels of each parameter and indicating

how these parameters will be monitored. Copies of the Procedures shall be made available for inspection by the Director-General on request.

- 8.3 Operation of the munitions facility upgrade shall be conducted strictly in accordance with the SOPs referred to under condition 8.2 of this consent at all times. SOPs shall be updated to reflect any changes to operations that may occur from time to time. The Applicant shall notify the Director-General of any update to the SOPs, indicating the scope and nature of the update.

Environmental Training

- 8.4 Prior to the commencement of commissioning of any component of the munitions facility upgrade, the Applicant shall develop and submit for the approval of the Director-General, an **Environmental Training Program**. The Program shall be developed to establish a framework in which relevant employees will be trained in environmental management and the operation of pollution control equipment for the munitions facility upgrade, where relevant. The Program shall include, but not necessarily be limited to:
- a) identification of relevant employment positions associated with the munitions facility upgrade that have an operational or management role related to environmental performance;
 - b) details of appropriate training requirements for relevant employees;
 - c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and
 - d) a program to confirm and update environmental training and knowledge during employment of relevant persons.

The Program shall be reviewed and updated annually as part of the Environmental Audit of the munitions facility upgrade (refer to condition 6.10 of this consent).

Construction and Demolition Environmental Management Plan

- 8.5 ²⁷The Applicant shall prepare and implement a **Construction and Demolition Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction, commissioning and demolition works associated with the munitions facility upgrade. The Plan shall address the requirements of the DEC. The Plan shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during construction of the munitions facility upgrade, including an indication of stages of construction, where relevant;
 - b) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction and demolition activities. These measures shall be in accordance with the requirements outlined in the Department of Housing's *Managing Urban Stormwater: Soils and Construction*;
 - iii) measures to monitor and manage any contaminated soils/ materials encountered during construction and demolition;
 - iv) measures to monitor and manage any groundwater encountered during construction and demolition;
 - v) measures to monitor and control noise emissions during construction, commissioning and demolition;

²⁷ Incorporates former EPA (now DEC) General Terms of Approval (E2.1.1, E2.1.2, E2.1.3 and E2.1.4)

- vi) measures to monitor and control air emissions during construction, commissioning and demolition, and to ensure that air emissions are both minimised and in compliance with the requirements of this consent and the Environment Protection Licence for the site;
- d) a description of the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the munitions facility upgrade;
- e) a demonstration of how the relevant findings and recommendations presented in sections 27, 28 and 29 of the EIS have been, or will be, implemented;
- f) the Management Plans listed under condition 8.6 of this consent; and
- g) arrangements for community consultation and complaints handling procedures during construction and demolition.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of construction or demolition works associated with the munitions facility upgrade, or within such period otherwise agreed by the Director-General. Construction/ demolition shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the Plan to the DEC as soon as practicable.

Should construction/ demolition of the munitions facility upgrade be staged, the Applicant may seek the Director-General's approval to stage preparation and submission of the Construction and Demolition Environmental Management Plan consistent with staging of construction/ demolition.

8.6 ²⁸As part of the Construction and Demolition Environmental Management Plan for the munitions facility upgrade, required under condition 8.5 of this consent, the Applicant shall prepare and implement the following Management Plans:

- a) a **Fire Safety Study** for the munitions facility upgrade, covering all aspects detailed in the Department's publication *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The Study shall include a strict maintenance schedule for essential services and other safety measures. The Study shall be submitted for the approval of the Commissioner of the NSW Fire Brigades prior to inclusion in the Construction Environmental Management Plan;
- b) a **Hazard and Operability Study (HAZOP) and Control Hazard and Operability Study (CHAZOP)** of the munitions facility upgrade chaired by an independent, qualified person or team. The independent person or team shall be approved by the Director-General. The Study shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines*. The HAZOP shall include evaluation of the Standard Operating Procedures referred to under condition 8.2 of this consent. The HAZOP shall also include specific reference to design features included in the nitrocellulose plant and associated pollution control infrastructure to address the potential for a release of NO_x and/ or failure of the nitrocellulose plant scrubber system, and an appropriate level of redundancy for those design features (refer to the reliability criteria specified under condition 8.6c) of this consent;
- c) a **Final Hazard Analysis** for the munitions facility upgrade, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis*. The Final Hazard Analysis shall make specific reference to the findings and recommendations of the Preliminary Hazard Analysis included as Appendix F of the EIS, and detail how those findings and recommendations have been addressed and implemented. In particular, the Final Hazard Analysis shall demonstrate that the nitrocellulose plant and associated pollution control systems have been designed to ensure that:
 - i) the reliability of the preventative and protective system against a massive NO_x release through the nitrocellulose plant scrubber exceeds 0.997; and

²⁸ Incorporates former EPA (now DEC) General Terms of Approval (E2.1.1, E2.1.2, E2.1.3 and E2.1.4)

- ii) the reliability of the preventative and protective system against a NO_x release coinciding with a failure of the nitrocellulose plant scrubber exceeds 0.9995;
- d) a **Construction Safety Study** for the munitions facility upgrade, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*;
- e) a **Demolition Safety Study** for all demolition works associated with the munitions facility upgrade, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*. The Study shall specifically address procedures for the decommissioning of existing facilities, the management of asbestos and protocols for the management of contamination, should contaminated soil, materials or process equipment be identified during decommissioning and demolition;
- f) a **Transport Management Plan** to detail how transport and traffic impacts will be managed during construction and demolition works associated with the munitions facility upgrade. The Plan shall specifically address the movement of oversize loads to and from the site, the management of construction and demolition employee traffic, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, and the transport of demolition waste materials including asbestos;
- g) a **Human Skeletal Remains Protocol** to detail procedures to be followed in the event that skeletal remains are uncovered during construction or demolition works associated with the munitions facility upgrade. The Protocol shall be developed in consultation with the Yota Yota Clans Council and the DEC, and shall be consistent with the draft protocol outlined in Appendix J of the EIS for the munitions facility upgrade; and
- h) an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion during construction and demolition works associated with the munitions facility upgrade. The Plan shall address the requirements of the DEC. The Plan shall include, but not necessarily be limited to:
 - i) results of investigations into soils associated with the site, in particular the stability of the soil and its susceptibility to erosion;
 - ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the munitions facility upgrade;
 - iii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements and guidelines provided in former DLWC's publication *Urban Erosion and Sedimentation Handbook*, the former EPA's publication *Pollution Control Manual for Urban Stormwater* and the Department of Housing's publication *Soil and Water Management for Urban Development*;
 - iv) design specifications for diversionary works, banks and sediment basins;
 - v) an erosion monitoring program during construction and demolition works associated with the munitions facility upgrade; and
 - vi) measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.

Operation Environmental Management Plan

8.7 The Applicant shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during the operation of the munitions facility upgrade. The Plan shall include, but not necessarily be limited to:

- i) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the munitions facility upgrade, including all consents, licences, approvals and consultations;
- ii) a description of the roles and responsibilities for all relevant employees involved in the operation of the munitions facility upgrade;
- iii) overall environmental policies and principles to be applied to the operation of the munitions facility upgrade;
- iv) standards and performance measures to be applied to the munitions facility upgrade, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;

- v) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
- vi) a demonstration of how the relevant findings and recommendations presented in sections 27, 28 and 29 of the EIS have been, or will be, implemented;
- vii) the Management Plans listed under condition 8.8 of this consent;
- viii) the environmental monitoring requirements outlined under conditions 6.1 to 6.10 of this consent, inclusive.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the munitions facility upgrade, or within such period otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the Plan to the DEC as soon as practicable.

Should commencement of operation of components of the munitions facility upgrade be staged, the Applicant may seek the Director-General's approval to stage preparation and submission of the Operation Environmental Management Plan consistent with staging of commencement of operations.

8.8 As part of the Operation Environmental Management Plan for the munitions facility upgrade, required under condition 8.7 of this consent, the Applicant shall prepare and implement the following Management Plans:

- a) an **Air Quality Management Plan** to outline measures to minimise impacts from the munitions facility upgrade on local and regional air quality. The Plan shall address the requirements of the DEC. The Plan shall include, but not necessarily be limited to:
 - i) identification of all major sources of particulate and gaseous air pollutants that may be emitted from the munitions facility upgrade, being both point-source and diffuse emissions, including identification of the major components and quantities of these emissions;
 - ii) monitoring for gaseous and particulate emissions from the munitions facility upgrade, in accordance with any requirements of the DEC;
 - iii) procedures for the minimisation of gaseous and particulate emissions from the munitions facility upgrade;
 - iv) protocols for regular maintenance of process equipment to minimise the potential for leaks and fugitive emissions; and
 - v) a contingency plan should an incident, process upset or other initiating factor lead to elevated air quality impacts, whether above normal operating conditions or environmental performance goals/ limits.

- b) a **Water Management Plan** to outline measures to control and manage surface water (including erosion and sedimentation), stormwater and process water associated with the munitions facility upgrade. The Plan shall address the requirements of the DEC and shall include, but not necessarily be limited to:

surface water, erosion and sedimentation management

- i) measures to be implemented to minimise the potential for erosion from the site, during the operation of the munitions facility upgrade and measures to maintain all erosion mitigating works;
- ii) demonstration that erosion and sedimentation control measures will conform with, or exceed, the relevant requirements and guidelines provided in former DLWC's publication *Urban Erosion and Sedimentation Handbook*, and the Department of Housing's publication *Soil and Construction 3rd Edition August 1998*; and
- iii) measures to rehabilitate erosion-affected areas and areas the subject of excavation, including tree, shrub and/ or cover crop species and implementation (consistent with the Landscape Management Plan required under condition 8.8e) of this consent);

stormwater management

- i) details of all relevant stormwater control infrastructure and how that infrastructure minimise stormwater peak flows and peak pollutant concentrations;
- ii) procedures for the installation and maintenance of gross pollutant traps to screen run-off from the site;
- iii) a demonstration of consistency with the stormwater management plan for the catchment, should one exist, or with the former EPA's publication *Managing Urban Stormwater: Council Handbook* should a stormwater management plan for the catchment not exist;

process water management

- i) details of how site water consumption will be minimised through water reuse and recycling, including measure to reuse site run-off;
 - ii) details of all process water treatment systems for the munitions facility upgrade, including procedures for maintenance of the systems and water quality monitoring regimes, where relevant; and
 - iii) a program to monitor consumption of water at the site;
- c) ²⁹an **Emergency Plan** for the munitions facility upgrade. The Plan shall be prepared in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines* by an independent, qualified person or team approved by the Director-General. The Plan shall include consideration of potential incidents at the munitions facility upgrade that may impact on human health and the biophysical environment. The Plan shall include, but not necessarily be limited to:
- i) an assessment to determine the potential internal and external causes of disruption to operations at the munitions facility upgrade;
 - ii) identification of how the disruptions determined under a) would impact on operations;
 - iii) identification of the pollution that would result due to the disruptions to operations and what impact the pollution would have on the health and amenity of the community and the environment;
 - iv) identification of any threats to the environment and/ or public health and amenity that could arise from construction, demolition, commissioning and operation works associated with the munitions facility upgrade. These threats may include, but not necessarily be limited to explosions, problems during commissioning, power or other utility failure, natural disaster etc;
 - v) development of actions to effectively respond to the disruption to operations so that the risk of pollution is minimised;
 - vi) development of a communications strategy for alerting relevant agencies and the potentially affected community in the event of a disruption to operations leading to a significant pollution impact; and
 - vii) a program to ensure that all relevant employees are familiar with the Emergency Plan (refer to condition 8.4 of this consent).
- d) a **Safety Management System**, covering all operations at the munitions facility upgrade and associated transport activities involving hazardous materials. The System shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to safety procedures. The System shall be developed in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.
- e) a **Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site. The Plan shall include, but not necessarily be limited to:
- i) details of all landscaping to be undertaken on the site;
 - ii) maximisation of flora species endemic to the locality in landscaping the site;
 - iii) details of car parking and measures to prevent vehicle encroachment onto landscaped areas; and

²⁹ Incorporates former EPA (now DEC) General Terms of Approval (E1.3.1, E1.3.2 and E1.3.3)

- iv) a program to ensure that all landscaped areas on the site are maintained in a tidy, healthy state.
- f) The Applicant shall prepare and implement a **Waste Management Plan** to outline measures to minimise the production and impact of wastes handled, treated and produced at the munitions facility upgrade. The Plan shall address the requirements of the DEC and specifically include measures to manage explosives-contaminated waste materials on-site.

9. ENVIRONMENTAL REPORTING

Incident Reporting

- 9.1 The Applicant shall notify the DEC and the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident ("initial notification"). The Applicant shall provide written details ("written report") of the incident to the DEC and the Director-General within seven days of the date on which the incident occurred.
- 9.2 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 9.1 of this consent, within such period as the Director-General may agree.

Note: Condition 9.2 of this consent does not limit or preclude the DEC from requiring any action to address the cause or impact of any incident, in the context of the DEC's statutory role in relation to the munitions facility upgrade.

Annual Performance Reporting

- 9.3 The Applicant shall, throughout the life of the munitions facility upgrade, prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report (AEMR)**. The AEMR shall review the performance of the munitions facility upgrade against the Operation Environmental Management Plan (refer to condition 8.7 of this consent), the conditions of this consent and other licences and approvals relating to the munitions facility upgrade. The AEMR shall include, but not necessarily be limited to:
 - a) details of compliance with the conditions of this consent;
 - b) a copy of the Complaints Register (refer to condition 7.3 of this consent) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were address and resolved;
 - c) a comparison of the environmental impacts and performance of the munitions facility upgrade against the environmental impacts and performance predicted in those documents listed under condition 2.2 of this consent;
 - d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person; and
 - e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the munitions facility upgrade have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

The Applicant shall submit a copy of the AEMR to the Director-General and the DEC every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the munitions facility upgrade. Submission of the AEMR shall be consistent with the annual reporting period established for the site under Environment Protection Licence No. 4848.

- 9.4 The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the munitions facility upgrade, in response to review of the Annual Environmental Report and any comments received from the DEC. Any action required to be undertaken shall be completed within such period as the Director-General may agree.