



Our reference: : EF13/4933; DOC17/498262-01
Contact: : Mr Allan Adams, (02) 6332 7610

Ms Sally Munk
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Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

1 November 2017

Attn: Ms Melissa Prochazka

Email: melissa.prochazka@planning.nsw.gov.au

Dear Ms Munk

RE: Emirates One&Only Wolgan Valley Resort - MP 05 _0079 MOD2 (Concept Plan) and MP 06 _0310 MOD 2 (Project Approval)

I refer to your email notification of the proposed modification request for the Concept Plan (MP 05 _0079) and the Project Approval (MP 06 _0310) for the Emirates One&Only Wolgan Valley Resort.

The EPA has reviewed the supporting documentation and notes the proposal is for the following:

- relocating the existing helicopter landing pad;
- increase the number of weekly helicopter movements to 18 trips per week (36 flight movements);
and
- construct and operate six bee hives.

The EPA has determined that it is able to issue an Environment Protection Licence for the proposal, subject to a number of conditions. As the proposal includes more than 30 flight movements per week and is within 1 kilometre of a dwelling, the proposal meets the threshold for the scheduled activity of '*Helicopter related activity*'. It is noted the *Protection of the Environment Operations Act 1997* defines take-off and landing as separate flight movements.

The proponent will need to make a separate application to the EPA to obtain this EPL, should approval be granted.

The EPA's regulatory authority is limited to on-ground activities. The EPA is only able to regulate environmental impacts from non-flight related activities such as maintenance activities, dust generation and fuel storage. We do not have the regulatory authority to condition or limit specific helicopter activities that relate to flight movements including taxiing, start-up, take off, flight or landing activities. The EPA understands this is the domain of the determining authority through conditions of approval, AirServices Australia and/or the Civil Aviation Safety Authority. I understand these agencies have been included in the consultation of this proposal.

The Environmental Assessment identifies existing limits to operating hours stipulated by the Federal Government's *Environment Protection and Biodiversity Conservation Act 1999* approval for the current operation. The EPA would expect these operating hours to remain unchanged.

The EPA's Recommended Conditions of Approval are provided at Attachment A. If approval is granted for the proposal, these conditions should be incorporated into the approval document. Attachment B provides generic conditions that are included in all Environment Protection Licences. These conditions are provided for information only and should not be included in the approval document, unless deemed necessary by the Dept. of Planning and Environment.

If you have any questions or concerns, please don't hesitate to contact Allan Adams in our Bathurst office on 6332 7610 or via email at central.west@epa.nsw.gov.au.

Yours sincerely



REBECCA SCRIVENER
A/Head Regional Operations Unit - Central West
Environment Protection Authority

Encl: Attachment A – Recommended Conditions of Approval
Attachment B - Generic EPL Conditions

Attachment A

EPA Recommended Conditions of Approval - MP 05 _0079 MOD2 (Concept Plan) and MP 06 _0310 MOD 2 (Project Approval)

Administrative conditions

A1. Information supplied to the EPA

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

- the development application <DA No> submitted to <consent authority> on <date>;
- any environmental impact statement 'One&Only Wolgan Valley – Modification of Concept Plan and Project Application (Helicopter and other changes) – Project No. 2017.034' dated August 2017 relating to the development.

Limit conditions

L1. Pollution of waters

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

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

Operating conditions

O1. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2. Stormwater/sediment control

O2.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

O3. Bunding

O3.1 All above ground tanks containing material that is likely to cause environmental harm must be banded or have an alternative spill containment system in place.

Attachment B

Mandatory Conditions for all EPA licences

Administrative conditions

Fit and Proper Person

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

Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- **<list activities>**

Operating conditions

Activities must be carried out in a competent manner

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.

Maintenance of plant and equipment

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.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

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

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

Telephone complaints line

- The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
 - The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

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

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

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

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

- 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.

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.

Deadline for Annual Return

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

Licensee must retain copy of Annual Return

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

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

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

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

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

Notification of environmental harm

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

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

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

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- 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; and
- 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;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

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

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

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

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

