

General Terms of Approval

Notice No: 1641157



The General Manager
Albury City Council
553 Kiewa Street
ALBURY NSW 2640

Via NSW Planning Portal

Attention: Sharna Holland

Notice Number 1641157
File Number DOC24/325288
Date 24-Jul-2024

Re: Proposed LDPE/LLDPE plastic film recycling facility, Ettamogah (DA10.2024.40795.1)

Issued pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979*

I refer to the development application (DA10.2024.40795.1) and accompanying information received by the Environment Protection Authority (EPA) on 29 April 2024 for the proposed LDPE/LLDPE plastic film recycling facility at 24 McLaurin Road, Ettamogah NSW.

The EPA wrote to Albury City Council (Council) on 17 May 2024 and 12 June 2024 seeking further information in relation to our assessment of the proposed development. Additional information in response to our letters was received on 21 May 2024 and 28 June 2024.

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

The GTA are provided at **Attachment A** and relate to the development as proposed in the documents and information provided by the applicant. **Attachment B** provides mandatory conditions that apply to all Environment Protection Licences.

These GTA relate to the development as proposed in the documents and information currently provided to the EPA. If the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its GTA need to be modified.

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Environment Protection Licence Application

Please note, should development approval be granted it will be necessary for the proponent to make an application to the EPA for an Environment Protection Licence (EPL) consistent with the development consent and our GTA prior to undertaking any construction works.

As it is noted from the proposal that treated wastewater will be disposed of to sewer via a Trade Waste Agreement between the proponent and Council, the EPA will require that a copy of the approved Trade Waste Agreement is provided as part of the supporting documentation submitted with the EPL application.

If you have any questions or wish to discuss this matter further, please contact Nick Van Lijf on 02 6969 0700 or by electronic mail at info@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads 'Nvanlijf'.

.....
NICK VAN LIJF

Unit Head - Regulatory Operations

Environment Protection Authority

(by Delegation)

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Attachment A - General Terms of Approval

Administrative conditions

A1. Information supplied to the EPA

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

- The development application 10.2024.40795.1 submitted to Albury City Council dated 29 April 2024; and
- Planning Report & Statement of Environmental Effects, industrial factory, warehouse and office - LDP/LLDP plastic film recycling facility, 24 McLaurin Road, Ettamogah NSW (Lot 7 DP1276039).

A2. Fit and Proper Person

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

A3. Premises to which the General Terms of Approval applies

A3.1 These General Terms of Approval apply to the following premises:

- Lot 7 DP1276039, as shown in Figure 2 of the *Planning Report & Statement of Environmental Effects, industrial factory, warehouse and office - LDP/LLDP plastic film recycling facility, 24 McLaurin Road, Ettamogah NSW* kept on EPA file DOC24/325288-1.

Discharges to Air and Water and Application to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in the licence for the purposes of the monitoring and/or setting of limits for discharges of pollutants to the air from the point(s).

EPA Identification	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Air Quality Monitoring	Discharge to Air	SMART feeder
2	Air Quality Monitoring	Discharge to Air	C-VAC-degassing
3	Air Quality Monitoring	Discharge to Air	Pelletizer
4	Air Quality Monitoring	Discharge to Air	PCU

Limit conditions

L1. Pollution of waters

L.1.1 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.

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L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises, except the wastes expressly referred to in the column titled 'Waste' and meeting the definition, if any, in the column titled 'Description' in the table below. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled 'Activity' in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled 'Other Limits' in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Plastic	As defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> , as in force from time to time	Resource Recovery	The amount of waste processed at the premises is not to exceed 15,000 tonnes in a 12-month period

L2.2 The authorised amount of plastic waste (processed and unprocessed) stored at the premises at any one time must not exceed 600 tonnes, and is only permitted to be stored within the designated waste bale storage area(s).

L2.3 The maximum stack height of plastic waste bales stored at the premises must not exceed four (4) metres.

L2.4 Plastic waste must be stored in compliance with the relevant 'Acceptable Solution' standards set out in accordance with the *Fire Safety Guideline - Fire Safety in Waste Facilities* (Version 02.02, Fire and Rescue, NSW, 2020).

L3. Potentially offensive odour

L3.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises.

L3.2 In the event of a verified offensive odour complaint, a comprehensive odour audit is to be completed by a suitably qualified and experienced person/consultant to confirm compliance with section 129 of the *Protection of the Environment Operations Act 1997*. The scope and timing of the audit is to be acceptable to the NSW EPA.

The licensee must submit a copy of the odour audit findings to the EPA's Manager Regional West Operations by email to info@epa.nsw.gov.au within seven (7) days of receiving the report, as well as a description of mitigation measures that will be implemented to mitigate and prevent offensive odour impacts from occurring.

L4. Noise Assessment

L4.1 Should a verified noise complaint be made, the licensee must complete a noise assessment at the premises to establish appropriate project specific noise criteria for the operation and to determine compliance with these criteria. The

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assessment must be prepared by a suitably qualified and experienced person/consultant and undertaken in accordance with the *NSW Noise Policy for Industry* (2017).

L4.2 The licensee must ensure that all feasible and reasonable noise and vibration mitigation and management measures are implemented during construction work authorised by this licence, in accordance with the *Interim Construction Noise Guideline* (OEH,2009)

L5. Noise limits

L5.1 All construction work at the premises must only be conducted on Monday to Friday between 7am and 6pm and Saturday 8am to 1pm, excluding Sundays and public holidays.

L5.2 This condition does not apply to the delivery of material outside the hours of operations permitted by condition L5.1, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L5.3 The hours of operation specified in condition L5.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

01. Dust

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

01.2 All activities conducted on the premises must be undertaken by such practical means to avoid or minimise the generation and emission of dust.

02. Stormwater/sediment control - Construction Phase

02.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction - Volume 1* (the 'Blue Book').

03. Stormwater/sediment control - Operation Phase

03.1 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* (EPA, 1997).

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04. Air Quality Monitoring Plan

04.1 The licensee must prepare and implement an Air Quality Monitoring Plan (AQMP) prior to the commencement of operations at the premises. As a minimum, the AQMP must include the following:

- Risk assessment;
- Proactive and reactive mitigation measures of all significant, and potentially significant emission sources;
- Key performance indicator(s);
- Monitoring method(s);
- Location, frequency and duration of monitoring;
- Record keeping;
- Response mechanisms and contingency measures;
- Responsibilities;
- Compliance reporting;
- Complaints reporting and handling procedure; and
- Review and update procedures.

Monitoring and recording conditions

M1. Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- In a legible form, or in a form that can readily be reduced to a legible form;
- Kept for at least 4 years after the monitoring or event to which they relate took place; and
- Produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- The date(s) on which the sample was taken;
- The time(s) at which the sample was collected;
- The point at which the sample was taken; and
- The name of the person who collected the sample.

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Special Conditions

E1. Commissioning phase air emissions sampling and verification

E1.1 The licensee must engage a suitably qualified person to undertake commissioning phase air emissions sampling to verify the emissions to air from the discharge points outlined in Table 1 (below):

Table 1

EPA Identification	Location Description	Type of Monitoring Point	Type of Discharge Points
1	SMART Feeder	Air Quality Monitoring	Discharge to Air
2	C-VAC degassing	Air Quality Monitoring	Discharge to Air
3	Pelletizer	Air Quality Monitoring	Discharge to Air
4	PCU	Air Quality Monitoring	Discharge to Air

E1.2 The commissioning phase sampling must occur during the timeframe of commissioning at the premises.

E1.3 Sampling must be performed for all pollutants and parameters listed in Table 2 (below), using the methods listed in column 4. All Sampling and analysis must be performed in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.

Table 2

Pollutant	Units of measure	Reference conditions	Sampling method
Temperature	degrees Celsius	-	TM-2
Velocity	metres per second	-	TM-2
Moisture	Percent	-	TM-22
Nitrogen oxides (as NO ₂)	Milligrams per cubic metre	Dry, 273K, 101.3 kPa	TM-11
Solid Particles (Total)	Milligrams per cubic metre	Dry, 273K, 101.3 kPa	TM-15
Carbon Monoxide	Milligrams per cubic metre	Dry, 273K, 101.3 kPa	TM-32
Volatile Organic Compounds	Milligrams per cubic metre	Dry, 273K, 101.3 kPa	TM34
Formaldehyde	Milligrams per cubic metre	Dry, 273K, 101.3 kPa	OM-11

Note: Volatile Organic Compounds (VOCs) measurement must include speciation of individual VOCs (including but not limited to): acetaldehyde, acrolein and pyridine. Total VOCs must also be reported as n-propane equivalent.

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E1.4 A minimum of two rounds of sampling must be undertaken to provide a suitable characterisation of the emissions during normal operations. The two rounds of sampling must not occur on the same day.

E1.5 Sampling must be conducted when plant/process conditions are representative of normal operations.

E1.6 An air emissions verification report ('the Report') must be prepared and must contain, as a minimum, the following information:

- a) A description of the process operating conditions at the time of sampling, including:
 - i) description of the process (e.g., processing rates, materials produced and products used);
 - ii) process flow diagram showing all inputs and outputs; and
 - iii) description of all air pollution control systems.

Note: Supporting evidence must be included which confirms that the plant/process was operating under normal, representative conditions at the time of sampling.

b) A detailed description of the sampling location. Engineering drawings, schematics or photographs should be included to support the description.

c) All information required to be reported under Section 5 of the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.

d) Comparison of measured emissions against the concentrations and emission rates of particulate matter and VOCs outlined in Table 5-1 and Table 6-3 of Air Quality Impact Assessment - Project Rainbow Plastic Recycling Facility, prepared by Todoroski Air Sciences Pty Ltd, dated 15 March 2024 (the AQIA).

e) Where comparison under d) identifies concentrations or emission rates for particulate matter or VOCs which exceed the figures provided in Table 5-1 and/or Table 6-3 of the AQIA, the licensee must implement further controls to reduce excess emissions.

Note: the EPA may utilise the information contained in the Report submitted to include additional conditions in the Environment Protection Licence.

E1.7 The Report must be provided to the EPA by email at info@epa.nsw.gov.au no later than 6-months after the commencement of operations at the premises.

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Attachment B – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

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

- **Waste storage**

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:

- must be maintained in a proper and efficient condition; and
- must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

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

The record must include details of the following:

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

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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.

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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;

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- 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.