

Part 4 Modification Application - EPA Comments



Notice No. - 1657492

BEGA VALLEY SHIRE COUNCIL

ABN 26 987 935 332

PO BOX 492

BEGA NSW 2550

Attention: Kimberley Rushbrook

Notice Number 1657492

Date 11-Mar-2026

CNR-79557 - Bega Valley Shire Council - New Organics Processing Facility - Wanatta Lane Wolumla- DA2024.321

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

General Terms of Approval – Issued

I refer to the development application and accompanying information provided for the proposed Organic Composting Facility at 235 Wanatta Ln, Wolumla NSW 2550 received by the Environment Protection Authority (EPA) on 7 March 2025 and subsequent information received on 22 September 2025, 24 September 2025 and 8 December 2025.

In the assessment of the proposal, the EPA has identified that a staged approach, as specified in Special Condition E1 of these General Terms of Approval - "Composting Volumes" is appropriate. This requires the proponent to apply for the increased composting volume of 30,000 tpa following a comprehensive assessment of the environmental performance (as detailed in E1, items a-e).

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to conditions. The applicant will need to make a separate application to the EPA to obtain this licence. The EPA website explains how to apply for a licence: (<https://www.epa.nsw.gov.au/licensing-and-regulation/licensing>).

Licensing Conditions

I also draw your attention to the General Terms of Approval at Attachment A and Attachment B, which are conditions intended for the environment protection licence for this proposal. Attachment A includes conditions specific to this proposal and Attachment B includes mandatory conditions for all EPA licences. Attachment A and Attachment B should not be attached as conditions of consent.

These General Terms of Approval 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

Part 4 Modification Application - EPA Comments



Notice No. - 1657492

before the consent is issued. This will enable the EPA to determine whether its General Terms of Approval need to be modified.

If you have any questions or wish to discuss this matter, further please contact Hannah Copeland on 131555 or via info@epa.nsw.gov.au.

Yours sincerely

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Matthew Rizzuto

Acting Manager

Environment Protection Authority

(by Delegation)

Part 4 Modification

Application - EPA Comments



Notice No. - 1657492

Attachment A - Specific Conditions for DA2024.321

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 DA2024.321 submitted to Regional Planning Panel on 12 February 2025;
- the statement of environmental impact statement titled *Environmental Impact Statement - Organics Processing Facility* prepared for Bega Valley Shire Council by Talis Consultants dated 18 December 2024; and
- all additional documents supplied to the EPA in relation to the development, including:
 - a) EIS Central Waste Facility Organics Processing Facility (Version 3.0) – Talis Consultants – 18 December 2024
 - b) Noise and Vibration Assessment - Appendix AA – Revision 8 - Pulse White Noise Acoustics – 10 October 2024
 - c) Air Quality and Odour Impact Assessment – Appendix O – Revision 3.1 - Talis Consultants – 11 December 2024
 - d) Hydrology Assessment – Appendix T – Revision D - Surface Water Solutions – 25 November 2024
 - e) Memo - SOILCO Bega – Leachate and Stormwater Modelling and Management - Anderson Consulting - 17 July 2025
 - f) Response to EPA Request for Additional Information – Air Quality and Odour Impact Assessment DA 2024.321 – BVSC Organics Processing Facility - The Odour Unit - 25 June 2025
 - g) NSW EPA Request for Additional Information – Air Quality and Odour Impact Assessment DA 2024.321 – BVSC Organics Processing Facility - 8.12.2025
 - h) Summary of responses addressing NSW EPA Request for Additional Information in relation to the Air Quality and Odour Impact Assessment dated 20 October 2025 for DA 2024.321 – 8 December 2025

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.

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 to be received at 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

Part 4 Modification

Application - EPA Comments



Notice No. - 1657492

the table below.

L2.2 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.

L2.3 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.

Code	Waste	Description	Activity
N/A	Virgin Excavated Natural Material	As defined in Schedule 1 of the Act, as in force from time to time	Composting Resource Recovery Waste Storage
N/A	General Solid Waste (Non-Putrescible)	Limited to only compostable packaging as defined in AS4736-2006	
N/A	Food Waste	As defined in Schedule 1 of the Act, as in force from time to time	
N/A	Wood Waste	As defined in Schedule 1 of the Act, as in force from time to time	
N/A	Garden Waste	As defined in Schedule 1 of the Act, as in force from time to time	

Note: The combined limit of waste detailed in the table above received at the premises must not exceed 15,000 tonnes per year.

L3. Noise limits

L3.1 Noise from the premises must not exceed:

- an LAeq (15 minute) noise emission criterion of 50dB(A) 7am to 6pm Monday to Saturday.
- an LAeq (15 minute) noise emission criterion of 40dB(A) during all other periods.

L3.2 LAeq is the equivalent continuous noise level – the level of noise equivalent to the energy – average of noise levels emitted by the premises over the stated measurement period.

L3.3 For the purposes of condition L3.2

- The meteorological conditions are to be determined from meteorological data obtained from a meteorological weather station nominated by the licensee and approved by the EPA.
- Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017):

Part 4 Modification

Application - EPA Comments



Notice No. - 1657492

i. Use of sigma-theta data (section D1.4).

L3.4 To assess compliance:

a. with the LAeq (15 minutes) in condition L3.1 and L3.3, the noise measurement equipment must be located: approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,

(ii) in an area within 30 metres of a residence facade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,

(iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve, (iv) at any other location identified in condition L3.1

b. with the LAeq (15 minutes) in condition L3.1 and L3.3, the noise measurement equipment must be located:

(i) at the reasonably most affected point at a location where there is no residence at the location; or,

(ii) at the reasonably most affected point within an area at a location prescribed by condition L3.4 (a).

L3.5 A non-compliance of conditions L3.1 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in L3.1 and L3.3

NOTE to L3.5 and L3.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L3.6 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L3.7 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L4. Hours of operation

L4.1 All construction work at the premises must only be conducted between 7am and 6pm Monday to Friday, 8am to 1pm Saturday and no works permitted on Sunday and Public Holidays.

L4.2 Activities at the premises, other than construction work, may only be carried out between 8am to 5pm Monday to Saturday.

L4.3 Activities at the premises during Public Holidays must only be carried out between 10am and 5pm.

O1. Odour

O1.1 All operations and activities occurring at the premises must be carried out in a manner that prevents or minimises the emission of air pollutants, including odour from the premises.

O1.2 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection

Part 4 Modification Application - EPA Comments



Notice No. - 1657492

of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

02. Dust

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

02.2 The premises must be maintained in a manner which minimises or prevents the emissions of dust from the premises.

02.3 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

03. Stormwater and Sediment Control - Construction Phase

03.1 A Soil and Water Management Plan (SWMP) 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 SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

04. Stormwater and Sediment Control - Operation Phase

04.1 A Stormwater Management Scheme must be prepared and implemented in accordance with the requirements outlined in:

- a. The EPA's *Composting and Related Organics Processing Facilities Guidelines* (DECC 2004); and
- b. *Managing Urban Stormwater: Council Handbook* (available from the EPA).

05. Leachate Management

05.1 All leachate generated at the premises must be captured and directed to the leachate management system.

05.2 The leachate dam must be designed to hold, at a minimum, a 1 in 10 year 24 hour rainfall event.

05.3 The licensee must ensure that a freeboard of 1 metre is maintained in the leachate pond. The licensee must install a marker in the leachate pond to allow the 1 metre freeboard to be checked visually.

05.4 Any leachate generated at the premises must only be disposed of in the following ways:

- a. Reuse in the composting process; or
- b. Lawful transport off the premises to a licensed facility that is lawfully permitted to accept leachate.

06. Pollution of Waters

Part 4 Modification

Application - EPA Comments



Notice No. - 1657492

O6.1 Except as may be expressly provided in any other condition of the Environment Protection Licence, there must be no discharge of any surface waters from the premises.

O6.2 The licensee must take all practical measures to avoid or minimise discharges from the premises and avoid or minimise pollutants contained in discharges permitted in accordance with the Environment Protection Licence.

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.

M2 Weather Monitoring

M2.1 The meteorological station (licence point to be determined) must be maintained so as to be capable of continuously monitoring the parameters specified in condition M5.2.

M2.2 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the remaining columns.

Parameter	Sampling Method	Units of Measure	Averaging Period	Frequency
Rainfall	AM-4	Millimeters	15 Minutes	Continuous

Note: For the purposes of conditions M2.1 and M2.2, 'Continuous' refers to the continuous monitoring of the relevant weather parameters for the duration of the frequency reporting period except during the following situations:

- c. equipment breakdown;
- d. power loss;
- e. scheduled maintenance;

Part 4 Modification Application - EPA Comments



Notice No. - 1657492

- f. performance specification testing; and
- g. vandalism.

M2.3 When the meteorological station is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA and state what the alternative weather monitoring arrangements will be put in place until the return to service of the meteorological station.

Special Conditions

E1. Composting Volumes

E1.1 No more than 15,000 tonnes per annum of Food and Garden Organics (FOGO) can be received and composted at the premises.

E1.2 The licensee can apply to the EPA to increase the capacity of the FOGO composting to 30,000 tonnes per annum.

E1.3 An application to increase the capacity of FOGO composting up to 30,000 tonnes per annum must include:

- a. An odour assessment conducted in accordance with the EPA's *Approved methods for the modelling and assessment of air pollutants in NSW*. The odour assessment be based on:
 - i Site specific odour sampling for all odour sources at the premises.
 - ii Meteorological data that has been validated against meteorological data at the premises and/or modelling that incorporates site specific meteorological data into the modelling scenarios.
- b. An analysis of any odour complaints received, and the actions taken to address the complaints.
- c. Any site-specific odour surveys undertaken to investigate and/or verify any odour complaints received.
- d. Where odour complaints have been received, the application must benchmark the odour mitigation and management practices against best practice.
- e. A demonstration, based on items a to d that the premises can comply with the no offensive odour provisions of the POEO Act (Section 129).

Part 4 Modification Application - EPA Comments



Notice No. - 1657492

Attachment B – Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

- This includes:
 - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 - must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

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

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

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

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

Part 4 Modification

Application - EPA Comments



Notice No. - 1657492

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
 - a Monitoring and Complaints Summary.

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

Period covered by Annual Return

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

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

- Where this licence is transferred from the licensee to a new licensee,
 - the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
 - in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Part 4 Modification Application - EPA Comments



Notice No. - 1657492

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:

Part 4 Modification Application - EPA Comments



Notice No. - 1657492

the cause, time and duration of the event;

the type, volume and concentration of every pollutant discharged as a result of the event;

the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and

the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

(details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;

(any other relevant matters.

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

General conditions

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

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

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

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