

General Terms of Approval

Notice No: 1638540



Murray Downs Processing Pty Ltd
580 Swan Hill Rd, Murray Downs
via NSW Planning Portal

Attention: Mrs Rebecca Moodie

Notice Number 1638540
File Number DOC24/284741
Date 02-May-2024

Re: Increase Production at Murray Downs Almond Facility - 580 Swan Hill Rd, Murray Downs

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the Murray Downs Almond Processing Facility, received by the Environment Protection Authority (EPA) on 12 April 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 in 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. Should development consent be granted for this proposal the EPA recommends that these conditions be incorporated into the conditions of consent.

In the event that the development is modified either by the applicant prior to the granting of consent, or as a result of conditions imposed by Council, we request that further consultation occur with us about the proposed changes prior to the consent being issued. This will enable us to determine whether our GTA are required to be modified as a result of any proposed alterations.

Should development approval be granted it will be necessary for the proponent to make an application to the EPA for an Environment Protection Licence consistent with the development application and our GTA prior to undertaking any construction works. The EPA website explains how to apply for a licence (<https://www.epa.nsw.gov.au/licensing-and-regulation/licensing>).

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If you have any questions or wish to discuss this matter, further please contact Georgia Feben on 0448 220 586

Yours sincerely

A handwritten signature in blue ink, reading 'Briohny Seaman', is positioned above a dotted line.

Briohny Seaman

A/ Unit Head

Environment Protection Authority

(by Delegation)

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Attachment A

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 DA 10.2024.45.1 submitted to Murray River Council on 12 April 2024.
- The environmental impact statement *"Murray Downs Almond Facility - Application to increase annual facility production to 140,000t"*, dated 21 December 2023 relating to the development; and
- All additional documents supplied to the EPA in relation to the development.

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 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.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

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L3. Noise limits

L3.1 Noise from the premises must not exceed:

- 40dB(A) LAeq(15minute) during the day (7am to 6pm) Monday to Friday
- 35dB(A) LAeq(15 minute) during the evening (6pm to 10pm) Monday to Friday; and
- At all other times an LAeq(15minute) noise emission criterion of 35dB(A).

Definition

LA10(15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

L3.2 Noise enhancing meteorological conditions

- The noise limits set out in L3.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3 m/s at 10m above ground level
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3 m/s at 10m above ground level
Night	Stability Categories A, B, C and D with wind speeds up to and including 3 m/s at 10m above ground level; or Stability Categories E and F with wind speeds up to and including 2 m/s at 10m above ground level

L3.3 For the purposes of L3.2:

- The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Swan Hill, NSW
- Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
 - Use of sigma-theta data (section D1.4).

L3.4 To assess compliance:

- With the LAeq(15 minutes) noise limits in condition L3.1 and L3.2, 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 the premises; or where applicable,
 - In an area within 30 metres of a residence façade, 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,

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- (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) noise limits in condition L3.1 and L3.2, 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 and L3.2 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 condition L3.4 (a) or L3.4 (b).

NOTE to L3.4 and L3.5: 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 and between 8am and 1pm Saturdays and at no time on Sundays and Public Holidays.

L4.2 The premises can operate 24 hours a day, seven days a week March to July each year.

L4.3 The premises can operate between 6am and 6pm for the remainder of the year (August to February).

L4.4 The hours of operation specified in conditions L4.2 and L4.3 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.

L5 Noise Assessment

L5.1 Should a verified noise complaint be made, the proponent 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 assessment shall be prepared by suitably qualified and experienced acoustical practitioner and shall be undertaken in accordance with the *NSW Noise Policy for Industry* (2017).

L5.2 The proponent 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).

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Operating conditions

01. Dust

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

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

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* (available from the Department of Housing).

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* (available from the EPA).

04. Noise Management Plan

04.1 The proponent must prepare and implement a Noise Management Plan that covers all premises based activities and transport operations. The plan must include (but need not be limited to):

- a. All measures necessary to satisfy the limits in condition L3.1 at all times;
- b. A system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology, Economically Achievable (BATEA) that has the potential to minimise noise levels from the premises;
- c. Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable;
- d. Measure to monitor noise performance and respond to complaints;
- e. Measures for community consultation including site contact details; and
- f. Noise monitoring and reporting procedures.

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05. Processes and management

05.1 Any waste for processing, storage or resource recovery at the premises must be assessed and classified in accordance with the EPA Waste Classification Guidelines.

05.2 There must be no burning or incineration of waste at the premises.

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.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

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Attachment B – Mandatory Conditions for all EPA licences

Administrative conditions

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.

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.

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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').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

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

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

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- 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.