Improvement notice

Environment Protection Act 2017

Notice ID	IMPN-00001932
Date of issue	08/02/22
Notice issued by	**Name** [redacted] Authorised Officer **T** 1300 372 842 (1300 EPA VIC) **E** [redacted]@epa.vic.gov.au
Notice issued to	**Name** GEORGE WESTON FOODS LIMITED **Address** 'BUILDING A' LEVEL 2, 11 TALAVERA RD NORTH RYDE NSW 2113
ACN	008429632
Place or premises	64 Richards Rd Castlemaine VIC 3450 AU
Legal reference	*Environment Protection Act 2017* (the Act), s. 271
Service method	Electronic communication

For the purpose of this notice 'you' means the recipient of this notice or your authorised representative and 'place or premises' means the site at which the notice applies, as identified above.

Grounds for issuing this notice

The authorised officer reasonably believes that GEORGE WESTON FOODS LIMITED has contravened or is contravening the Act or Regulations or a subordinate instrument.

You have contravened section 118 of the Environment Protection Regulations 2021, Unreasonable noise from commercial, industrial and trade premises as you have emitted noise that exceeds the noise limit that applies at the time the noise is emitted.

Specifically, you (George Weston Foods Limited, trading as Don KR Castlemaine) are a meat processing and manufacturing company that undertakes activities that has resulted in unreasonable noise being emitted and impacting nearby residential premises. EPA analysis of noise logging results has determined that equipment at your premises has resulted in multiple exceedances during the night-time period and in some instances, exceedances up to 14dBA were observed above the Effective Noise Level (ENL) limit. You do not have adequate systems in place to prevent excessive noise impacting community beyond the boundary of your premises.

As such, George Weston Foods Limited are required to take action that I reasonably consider necessary to remedy the activity that is contravening or has contravened a provision of this Act, the regulations, or a subordinate instrument, in accordance with s.271(1)(a) of the EP Act 2017.

Requirements

You are required to:

1. By 30/06/22 you must modify the activities or install controls at the premises, as not to exceed the following noise levels at Tomkies Road, CASTLEMAINE, during the following time periods;

a) Day Period Noise Limit (0700 – 1800 hours on weekdays and 0700 -1300 hours on Saturdays) – 51 dBA

b) Evening Period Noise Limit (1800-2200 hours on weekdays, 1300-2200 hours on Saturdays and 0700-2200 hours on Sundays and public holidays) – 45 dBA

c) Night Period Noise Limit (2200 – 0700 hours) – 41 dBA

You must report to EPA:

R1. By 07/07/22 you must in writing to the authority, provide a report that:

a) specifies how the noise abatement or on-going management of noise at the premises has been or is likely to be achieved.

b) includes the results of assessment and noise testing and assessments undertaken at your premises.

c) is signed by your managing director, most senior executive, or a person authorised to speak on behalf of the notice recipient.

This improvement notice takes effect from the date of service.



Authorised Officer

Support to comply

Implement the Prioritised Noise Attenuation Projects as detailed in the document titled '20211215 IMPN-00001134-1 Response to EPA 20 December 2021 (002).pdf, provided to EPA, of works to be carried out to ensure effective noise levels are not exceeded beyond the boundary of your premises.

Use the following resources:

Commercial, industrial and trade noise: https://www.epa.vic.gov.au/for-community/environmental-information/noise/commercial-industrial-noise

1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues: https://www.epa.vic.gov.au/about-epa/publications/1826-4

1996: Noise guideline - assessing low frequency noise: https://www.epa.vic.gov.au/about-epa/publications/1996

How to control noise from your business: https://www.epa.vic.gov.au/for-business/find-a-topic/noise/advice-for-businesses/controls

Commercial, industrial and trade noise limits: https://www.epa.vic.gov.au/for-business/find-a-topic/noise/commercial-industrial-and-trade-noise-limits

Detailed grounds

Between 18 May 2021 and 25 May 2021, EPA deployed remote continuous noise logging equipment (NGARA s/n: 87800B) at Tomkies Road, CASTLEMAINE. Assessment of these results

confirmed multiple exceedances during the night-time period and in some instances, exceedances up to 14dBA were observed.

During an inspection on 18 May 2021, I observed multiple sources of noise, including but not limited to; cooling towers, refrigeration fans, condensers and two co-generation units likely to generate unreasonable noise, with little to no noise abatement or attenuation controls.

On 30 July 2021, EPA issued Improvement Notice 00001134 that required an action plan that details a process of works to be carried out at the premises that will ensure the following defined noise limits beyond the boundary of the premises are not exceeded at Tomkies Road, Castlemaine.

On 16 December 2022, you supplied the document titled '20211215 IMPN-00001134-1 Response to EPA 20 December 2021 (002).pdf' ("action plan") in response to EPA amended Improvement Notice 00001134. You identified in this action plan, 9 prioritised noise attenuation projects and detailed a prioritised list of works. You have identified noise sources likely to be generating levels of unreasonable noise and reduction targets as well as timeframes for achieving this target. An example of this is an attenuation reduction of 45dB(A) is required for the Desiccant Heater Steampipes.

Penalty

If you fail to comply with this improvement notice, you may be guilty of an offence and liable to pay a penalty of up to 500 penalty units (for an individual) or 2500 penalty units (for a body corporate).

Right of review

Statutory internal review

If this notice was issued by an authorised officer, you have the right to apply to EPA for a review. Your application must be made in the approved form and be received by EPA within 10 business days of you being served the notice. The date you were served the notice may be different to the date of issue listed on page one of this notice depending on the method of service. Application forms and further information about the internal review process including application timeframes are available at www.epa.vic.gov.au.

Request for stay pending outcome of internal review

If you are eligible for internal review, you may also request a stay of this notice pending the outcome of the review. EPA must decide to grant a stay (with or without conditions), or not to grant a stay and communicate that decision within two business days of receiving the application. If the application was received outside of business hours, EPA must communicate its decision by 5pm on the second day after the application was received. If no decision is made by EPA after this time, EPA is considered to have granted a stay. If no stay is made, the notice remains in force.

VCAT review

If you have lodged an application for internal review of this notice and received a decision, you may apply to the Victorian Civil and Administrative Tribunal (VCAT) for external review within 15 business days of being notified about the outcome of EPA's internal review. If this notice was issued by the Authority, you may apply to VCAT for an external review within 15 business days from the date on which it first came to your notice. For more information on your review rights, visit www.epa.vic.gov.au.

Amendment

You may apply for an extension of time for any requirement in the notice at least 10 business days before its due date. Your notice remains legally binding until EPA advises you of any change. Application forms and further information about time frames for the application are available at www.epa.vic.gov.au.

Notification of future occupier

Under section 280, if someone plans to become the occupier of your place or premises, you must inform them of this notice and your progress towards compliance.

Privacy statement

Section 455 of the Act requires EPA to maintain a public register where we may choose to publish improvement notices.

Accessibility

Contact us if you need this information in an accessible format such as large print or audio.

Please telephone 1300 EPA VIC (1300 372 842) or email contact@epa.vic.gov.au

Interpreter assistance

Interpreter

If you need interpreter assistance or want this document translated, please call **131 450** and advise your preferred language. If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

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