

# Development licence

*Environment Protection Act 2017*

|                                  |   |
|----------------------------------|---|
| Licence number                   | DL000300060   |
| Issue date                       | 24 December 2024  |
| Last amended                     | 2 April 2025  |
| Expiry date                      | 10 December 2026  |
| Licence holder                   | VAN SCHAIK'S BIO GRO PTY LTD  |
| ACN                              | 067853098   |
| Activity site(s)                 | 1477 Yorkshire Rd Newbridge VIC 3551 AU   |
| Prescribed permission activities | A01 (Reportable priority waste management)<br>A07a (Organic waste processing - large) |

Issued under section 69(1)(a) of the *Environment Protection Act 2017* (the Act).

*Madeline King*

Madeline King  
Senior Permissioning Officer  
Delegate of Environment Protection Authority Victoria (EPA)

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## Context

Environment Protection Authority Victoria (EPA) is Victoria's environmental regulator acting in accordance with the *Environment Protection Act 2017* (the Act). Our regulatory role is to work with community, industry and business to prevent and reduce the harmful effects of pollution and waste on Victoria's environment and people.

### **Why we issue development licences**

A range of development activity types are prescribed in the Environment Protection Regulations 2021 (the Regulations) because they give rise to risks of harm to human health or the environment. We issue development licences so applicants can lawfully undertake prescribed development activities. Section 44 of the Act provides that a person must not engage in a prescribed development activity except as authorised by a development licence in respect of that activity.

### **When we issue development licences**

EPA can issue a development licence under section 69(1) of the Act. When issuing a development licence, EPA takes into account a number of factors, including the measures an applicant has taken or proposes to take in order to comply with the Act when engaging in the prescribed permission activity.

EPA can amend, suspend or revoke a licence for a range of reasons. This can include in response to changes in activities, risks or licence holder performance. All development licence details are publicly accessible via the EPA Public Register.

## Key information and obligations

### **Interpretation**

For the purposes of this development licence "You" means the "licence holder" identified on the first page. Unless a contrary intention appears, words or terms used in the conditions of your licence have the same meaning as in the Act, and in any regulations made pursuant to the Act.

### **Compliance**

Your licence is subject to conditions. These conditions confer legal obligations on you as the licence holder. Some of these are general in nature, while others require you to do (or not to do) specific things. The requirements of these conditions do not detract from each other in any way, nor do they affect any other duties or obligations with which you are required to comply by law. You must fulfil all duties and perform all obligations set out in this licence or otherwise required by law.

Strict penalties apply for non-compliance with any part of your development licence.

You must comply with the Act and regulations administered by EPA. This includes, but is not limited to, compliance with the general environmental duty (GED).

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### **Duties under the Act**

Under the Act, you have legal obligations in relation to your prescribed and non-prescribed activities. These legal obligations exist to minimise risks of harm to human health and the environment from pollution and waste.

You may be committing an offence and be liable to a penalty under the Act if your actions or omissions constitute a breach of these legal obligations.

### **General environmental duty**

The Act places the onus on you to understand the risks associated with your operation or activity and requires you to minimise the risk of harm. This is called the general environmental duty (GED).

Sections 6 and 25 of the Act provide the legal basis for the GED. These sections state that a person engaging in an activity which may give rise to risks of harm to human health or the environment from pollution or waste must eliminate or minimise those risks, as far as reasonably practicable.

### **Duty to notify EPA of notifiable incidents**

A notifiable incident is a pollution incident that causes or threatens to cause material harm to human health or the environment or is a prescribed notifiable incident. Under section 32 of the Act, you have an obligation to notify EPA of a notifiable incident as soon as practicable after you become aware of the incident.

### **Duty to take action to respond to harm caused by pollution incident**

Under section 31 of the Act, if a pollution incident has occurred as a result of an activity (whether by act or omission) and the pollution incident causes or is likely to cause harm to human health or the environment, a person who is engaging in that activity must, so far as reasonably practicable, restore the affected area to the state it was in before the pollution incident occurred.

### **Duty to notify of contaminated land**

Under section 40(1) of the Act, a person in management or control of land must notify EPA if the land has been contaminated by notifiable contamination as soon as practicable after the person becomes aware of the notifiable contamination.

Notifiable contamination means contamination which is prescribed in the Regulations, or contamination for which the cost of action to remediate the land is likely to exceed \$50,000, or any other prescribed amount.

### **Duties relating to industrial waste, priority wastes and reportable priority wastes**

Under parts 6.4 and 6.5 of the Act, a person has obligations in relation to the generation, receiving, recording, managing, transporting, and disposal of industrial, priority wastes and reportable priority wastes. These duties include:

- Duties of persons depositing industrial waste.

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- Duties of persons receiving industrial waste.
- Duty of persons involved in transporting industrial waste.
- Duties of persons managing priority waste.
- Duty to investigate alternatives to waste disposal.
- Duty to notify of transaction in reportable priority waste.
- Duty of persons transporting reportable priority waste.

For further information on waste classifications see schedule 5 of the Regulations.

### **Further information and resources**

To aid compliance with the Act and the Regulations, Environment Reference Standards (ERS), Compliance Codes, Position Statements and Guidelines have been developed to address a range of environmental objectives, permitted and non-permitted activities and risks.

You should understand how the Victorian environment protection framework applies to you and your activity, operation or business by making yourself familiar with the Act, Regulations, Compliance Codes and other relevant guidance material.

To assist you with understanding your obligations refer to [www.epa.vic.gov.au](http://www.epa.vic.gov.au).

### **Amendment**

You can apply at any time to EPA for an amendment to your licence under section 57 of the Act. EPA may also decide to amend a licence under its own initiative according to section 58 of the Act.

### **Transfer**

A person may apply to EPA for the transfer of this licence to a new licence holder pursuant to section 56 of the Act.

### **Duration of licence and renewal**

This development licence is subject to the expiry date identified on the first page of this licence. It will remain in force until that time unless it is first surrendered by the licence holder (with consent from EPA), or it is suspended or revoked by EPA. EPA may decide to extend the term of the licence under section 72 of the Act. Note that an application for a development licence renewal must be submitted to EPA before the licence expiry date.

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## Development licence structure

Your development licence has multiple parts:

- Conditions
- Appendix 1 – locality plan
- Appendix 2 – activity plan
- Appendix 3 – contour plan
- Appendix 4 – waste acceptance table
- Appendix 5 – air discharge table
- Appendix 6 – water discharge table
- Appendix 7 – landfill cell table

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## Conditions

### General conditions

|        |   |
|--------|---|
| DL_G01 | <p>A copy of this licence must be kept at the site and be easily accessible to persons who are engaging in an activity conducted at the site. Information regarding the requirements of the licence and the Act duties must be included in site induction and training information.</p>   |
| DL_G02 | <p>The development activity of the expansion of the composting facility at 1477 Yorkshire Rd, Newbridge must be developed in accordance with the listed approved plans and documents: Initial application documents, submitted on 13/11/2023.</p> <ul style="list-style-type: none"><li>i. Bio Gro – EPA RFI Response- Dated 17.10.2024.msg</li><li>ii. APP031160 – Application Details.pdf</li><li>iii. APP031160 – Invoice.pdf</li><li>iv. Appendix B BIO GRO_F1017_Oct23.pdf</li><li>v. Bio Gro DLA Appendix A-F.pdf</li><li>vi. Bio Gro DLA Appendix G-H.pdf</li><li>vii. Bio Gro DLA Appendix I-M.pdf</li><li>viii. Bio Gro DLA Appendix N-O.pdf</li><li>ix. Bio Gro DLA Appendix P-R.pdf</li><li>x. Bio Gro DLA Appendix S-U.pdf</li><li>xi. Bio Gro_F1018_Prohibited Person Oct 2023.pdf</li></ul> <p>RFI responses, and revised applications:</p> <ul style="list-style-type: none"><li>i. Bio Gro – EPA RFI Response- Dated 17.10.2024.msg</li><li>ii. Bio Gro Contact water basin- Dated 28.10.2024.msg</li><li>iii. FW Bio Gro Newbridge- GME 4 Letter Report July 2024 (2275)- Dated 20.09.2024.msg</li><li>iv. FW Bio Gro Newbridge- Dated 10.09.2024.msg</li><li>v. RE Bio Gro – EPA RFI Response- Dated 17.10.2024.msg</li><li>vi. RE Bio Gro – EPA RFI Response CRM0075000175- 1st email.msg</li><li>vii. RE Bio Gro Newbridge- Dated 10.09.2024.msg</li><li>viii. RE Bio Gro Newbridge- Dated 11.09.2024.msg</li><li>ix. RE Bio Gro Newbridge- Dated 17.09.2024.msg</li><li>x. RE Bio Gro Newbridge- Dated 20.09.2024.msg</li><li>xi. RE Bio Gro Newbridge- Meeting with the applicant and Public Health Dated 20.09.24.msg</li><li>xii. RE Bio Gro – EPA RFI Response CRM0075000175- 2nd email.msg</li><li>xiii. RE Bio Gro – EPA RFI Response CRM0075000175- Dated 08.11.2024.msg</li><li>xiv. RE URGENT FA- Bio Gro Newbridge DLA APP031160– Dated 21.11.2024.msg</li><li>xv. Response – Bio Gro Contact water basin- Dated 29.10.2024.msg</li><li>xvi. APP031160 Bio Gro RFI Response Public Health.pdf</li><li>xvii. Bio Gro Newbridge Public Health Response.msg</li><li>xviii. APP031160 Bio Gro Response – Odour.pdf</li></ul> |

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- xix. Bio Gro RFI Response Water Science – Freshwater July 2024.pdf
  - xx. Bio Gro RFI #2 Response.eml
  - xxi. Bio Gro RFI.eml
  - xxii. Bio Gro RFI Response – Fire Safety July 2024.docx
  - xxiii. Bio Gro RFI Response Public Health July 2024.pdf
  - xxiv. Risk Monitoring & Management Plan – Newbridge Facility 2024 ENV.PLA004 v2.1-2.pdf
  - xxv. Bio Gro RFI Response Water Science – Technology July 2024.docx
  - xxvi. APP031160 Bio Gro RFI Response Land.pdf
  - xxvii. RE\_Bio Gro Newbridge APP031160 – RFI Noise.msg
  - xxviii. APP031160 Bio Gro RFI Response -Odour.pdf
  - xxix. APP031160 Bio Gro RFI Response Waste.pdf
  - xxx. APP031160 Bio Gro RFI Response Fire Safety.pdf
  - xxxi. APP031160 Bio Gro RFI Response Water Science.pdf
  - xxxii.130-04 Bio Gro EPA RFI Sept24\_Response Oct24.pdf. In the event of any inconsistency between the approved documents and the conditions of this permission, the conditions of this permission shall prevail.
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Subject to the following conditions, this development licence allows you to: construct works to develop a composting facility capable of processing 160,000 tonnes (including a maximum of 2000 tonnes of K100 waste) per annum and a maximum total volume of 120,000 tonnes of waste stored onsite at any one time, as per application APP031160 and supporting documents listed in condition DL\_G02. The following key infrastructure and equipment are included:

DL\_G03

- 1) Pure Bark and Timber screening and finished storage area (Crushed rock pad/roads)
- 2) Pallet stacking, 4,000 footprint (80 x 50), 1.2m x 1.2m/Pallet
- 3) Stockpile crushed rock hardstand (Crushed rock pad/roads)
- 4) Car park (Crushed rock pad/roads)
- 5) Buffer line (Crushed rock pad/roads)
- 6) Impervious composting pad (305 m x 184 m, with a liner achieving hydraulic conductivity of less than  $1 \times 10^{-9}$  m/s in accordance with AS 1289.6.7.1-2001).
- 7) Basin C- contact water basin (minimum volume = 12,500 m<sup>3</sup> and maximum volume = 32,327 m<sup>3</sup>)
- 8) General table drains
- 9) Drainage pipes
- 10) Weigh bridge
- 11) Berm bank.

DL\_G05

This permission expires:

- (a) on the issue or amendment of an operating licence or permit relating to all activities covered by this permission;
- (b) when the Authority advises in writing that all activities covered by this permission

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have been satisfactorily completed and the issue or amendment of an operating licence or permit is not required; or  
c) on the expiry date listed on the front page of this permission.

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| DL_G07 | <p>You must:</p> <ul style="list-style-type: none"><li>(a) develop and maintain a decommissioning plan that is in accordance with the current decommissioning guidelines published by the Authority;</li><li>(b) provide the decommissioning plan to the Authority upon request;</li><li>(c) supply to the Authority an updated detailed decommissioning plan 40 business days prior to commencement of decommissioning, if you propose to divest a section of the licensed site, cease part or all of the licensed activity or reduce the basis upon which the licence was granted to a point where licensing is no longer required; and</li><li>(d) decommission the licensed site in accordance with the detailed decommissioning plan, to the satisfaction of the Authority and within any reasonable timeframe which may be specified by the Authority.</li></ul> |
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## Standard conditions

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| DL_C01 | <p>Commissioning activities must be undertaken in accordance with the commissioning plan approved by the Authority.</p> |
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| DL_C02 | <p>You must immediately notify the Authority by calling 1300 EPA VIC (1300 372 842) in the event of:</p> <ul style="list-style-type: none"><li>a) A discharge, emission or deposit which gives rise to, or may give rise to, actual or potential harm to human health or the environment;</li><li>b) A malfunction, breakdown or failure of risk control measures at the site which could reasonably be expected to give rise to actual or potential harm to human health or the environment; or</li><li>c) Any breach of the licence.</li></ul> |
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| DL_C05 | <ul style="list-style-type: none"><li>1. You must develop a risk management and monitoring program for your activities which:<ul style="list-style-type: none"><li>(a) identifies all the risks of harm to human health and the environment which may arise from the activities you are engaging in at your activity site;</li><li>(b) clearly defines your environmental performance objectives;</li><li>(c) clearly defines your risk control performance objectives;</li><li>(d) describes how the environmental and risk control performance objectives are being achieved;</li><li>(e) identifies and describes how you will continue to eliminate or minimise the risks in 1(a) (above) so far as reasonably practicable; and</li><li>(f) describes how the information collated in compliance with this clause, is or will be disseminated, used or otherwise considered by you or any other entity.</li></ul></li><li>2. The risk management and monitoring program must be:</li></ul> |
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|        | <p>(a) documented in writing;</p> <p>(b) signed by a duly authorised officer of the licensed entity</p> <p>(c) made available to the Authority on request.</p>  |
| DL_C07 | <p>Within 30 business days of the completion of the approved activities, you must provide to EPA a written report that summarises the activities undertaken and includes:</p> <p>(1) Results of the commissioning monitoring program as required under condition DL_R01; and</p> <p>(2) Detailed analysis of the sampling results of the finished product, with particular focus on pathogen levels, to demonstrate compliance with the specifications for compost outlined in AS4454 and EPA's Processed Organics Determination.</p> |
| DL_W03 | <p>You must notify the Authority when the construction associated with the development activities covered by this approval has been completed.</p>  |

### Specific conditions

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| DL_C03 | <p>Construction and commissioning activities permitted under this license must not cause or result in any breach of any permission issued by the Authority for the permission activity, except where authorised by a condition of this licence.</p>   |
| DL_C09 | <p>You must not accept or store more than 160,000 tonnes (including 2000 tonnes of K100) per annum of wastes at the activity site for the duration of this permission.</p>  |
| DL_C10 | <p>You must ensure that:</p> <p>a) Only waste of a type shown in Appendix 4 of this approval is accepted at the activity site; and</p> <p>b) If it is identified that any waste has been received at the activity site that is of a type not shown in Appendix 4 in contravention of paragraph a) above, such waste must be placed in a designated and sign-posted temporary storage area and sent for disposal to a site authorised by the Authority to receive such waste within 21 days of the date it was received.</p> |
| DL_C11 | <p>Wastes accepted at the activity site may only be treated or disposed of in accordance with Appendix 4.</p>   |
| DL_C12 | <p>Waste from the activity site must not be discharged or disposed of to the environment except in accordance with this permission and with any other permission issued by the Authority that may relate to the activity site.</p>  |

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| DL_R01 | <p>At least 20 business days before the commencement of any commissioning, you must provide to the Authority reports that include(s): (1) A commissioning plan that includes:</p> <ul style="list-style-type: none"><li>(i) Proof of performance to demonstrate the compost product, meet the requirement of EPA Publication 1588.1, AS 4454 – 2012: composts, soil conditioners and mulches, and AS 3743-2003: potting mixes;</li><li>(ii) Detailed waste acceptance criteria (for medium to high-risk waste and waste with contaminants of concern such as PFAS) and details on how high-risk waste is stored on site before being processed in open vessels and windrows, rejecting unacceptable waste and managing/storing/rejecting contaminated loads and how the odour is controlled.</li><li>(iii) Details of your contact water monitoring plan and groundwater monitoring plan;</li><li>(iv) A commissioning testing and sampling program for finished product which includes regular testing for E. coli, Salmonella spp. and Clostridium perfringens and applicable parameters specified in AS4454 for compost; and</li><li>(v) An updated odour assessment that uses the odour surveillance and directional buffer to calibrate the model.</li></ul> <p>(2) A Construction Quality Assurance report for the contact water dam and impervious composting pad area, which must include hydraulic conductivity testing results achieving hydraulic conductivity of less than <math>1 \times 10^{-9}</math> m/s in accordance with AS 1289.6.7.1-2001.</p> <p>(3) A Fire Risk Management plan that includes:</p> <ul style="list-style-type: none"><li>(i) An updated WHS.PR0021.2 Fire and Emergency Management Plan v1.0 (FEMP), which includes details on the water tanker kept on site;</li><li>(ii) An updated WHS.PLA005.4 An Emergency Evacuation Plan which shows fire hydrants or booster locations; and</li><li>(iii) Details on how pan-tilt-zoom (PTZ) cameras are to be used on site for afterhours monitoring of windrows.</li></ul> <p>(4) Items (1) to (3) above must be incorporated into the site Risk Management and Monitoring Program (as referred to in condition DL_C05) where applicable.</p> |
| DL_R02 | <p>You must not commence commissioning of the operating components of the development activities until you have received the Authority's written approval of the plans which is required pursuant to condition(s) DL_R01.</p>  |
| DL_R03 | <p>You must not commence operation of the works until the Authority's written approval of the reports required by condition(s) DL_C07 has been received.</p>   |
| DL_R04 | <p>At least 20 business days before the commencement of any construction, you must provide to the Authority documentation that include(s): .</p> <ul style="list-style-type: none"><li>(1) Details of the source material for the construction of the contact water dam and impervious composting pad area, including permeability testing results to demonstrate</li></ul>  |

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suitability.

(2) Detailed design of the following items:

(a) The contact water dam with the following minimum specifications:

- (i) Liner in Basin C to achieve hydraulic permeability of less than  $1 \times 10^{-9}$  m/s;
- (ii) Volume of Basin C is 12,500 m<sup>3</sup> – 32,327 m<sup>3</sup>; and
- (iii) 600 mm freeboard.

(b) Impervious composting pad with the following minimum specifications:

- (i) Hydraulic permeability of less than  $1 \times 10^{-9}$  m/s; and
- (ii) The surface to be graded with a 2 – 4 % fall.

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DL\_W10

You must implement all liquid storage containment and handling measures in accordance with "Liquid storage and handling guidelines" (EPA Publication 1698, released June 2018).

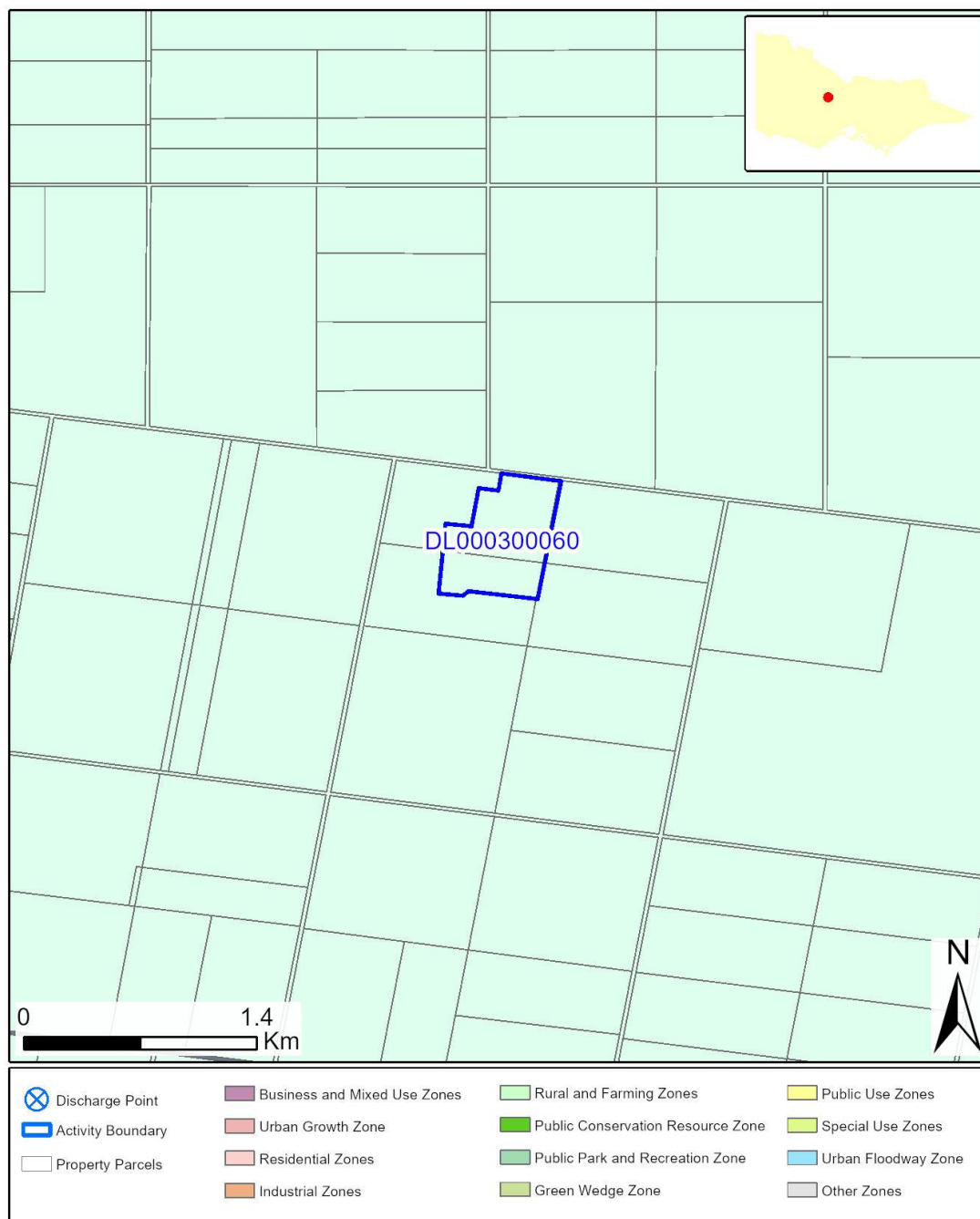
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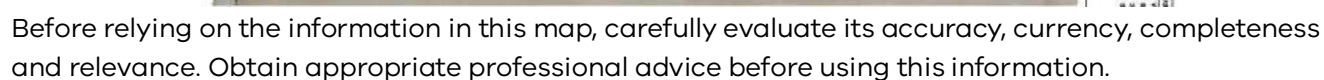
## Appendices

### Appendix 1 – locality plan



Before relying on the information in this map, carefully evaluate its accuracy, currency, completeness and relevance. Obtain appropriate professional advice before using this information.

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## **Appendix 3 – contour plan**

*There is no contour plan for this licence.*

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## Appendix 4 - waste acceptance table

| Waste Code | Waste Description   | Treatment Code | Treatment Description |
|------------|---|----------------|-----------------------|
| K100       | Animal effluent and residues, including abattoir wastes and other wastes from animal processing   | R16            | Composting            |
| K210       | Solid commercial food wastes, not otherwise specified in "Schedule 5—Waste Classification" of the Environment Protection Regulations 2021 | R16            | Composting            |
| K220       | Manures including any mixture of manure and biodegradable animal bedding such as straw  | R16            | Composting            |
| K230       | Processed solid organic waste, including unpasteurised or otherwise contaminated material   | R16            | Composting            |
| K300       | Commercial garden & landscaping organics that does not contain any physical or chemical contamination                                     | R16            | Composting            |
| K310-NH    | Untreated timber, including sawdust   | R16            | Composting            |
| W_4        | Municipal Food Organics and Garden Organics (FOGO) - food and garden waste from source separated kerbside                                 | R16            | Composting            |

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|     | collection of waste by local government   |     |            |
| W_5 | Municipal green waste - vegetation, garden, landscaping, and natural fibrous wastes   | R16 | Composting |
| W_6 | Agricultural mortalities - mortalities from the agriculture sector such as deceased livestock and mortalities from broiler farms, not otherwise listed as Reportable Priority Waste | R16 | Composting |

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### **Appendix 5 – air discharge table**

*There are no air discharge points for this licence.*

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### **Appendix 6 – water discharge table**

*There are no water discharge points for this licence.*

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## **Appendix 7 – landfill cells**

*There are no landfill cells for this licence.*