

Development licence

Environment Protection Act 2017

Licence number	DL000300055
Issue date	27 August 2024
Last amended	18 September 2024
Expiry date	1 August 2030
Licence holder	MAINSTREAM RECYCLING PTY LIMITED
ACN	611996493
Activity site(s)	7 - 8 Haworth Court, Breakwater, Victoria, 3219, Australia
Prescribed permission activities	A01 (Reportable priority waste management) A13a (Waste and resource recovery - large)

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



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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.

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 of the proposed waste and resource recovery facility and associated infrastructure must be conducted in accordance with the listed approved plans and documents: .</p> <ul style="list-style-type: none">• APP024640 - Application Details.pdf• Appendix C Environmental Risk Register• Appendix D Energy and Greenhouse Gas Assessment.pdf• Appendix E Air Quality Assessment.pdf• Appendix F Acoustic Report.pdf• Appendix G Stormwater Assessment Report.pdf• Appendix H Fire Risk Assessment.pdf• Appendix I Environmental Policy.pdf• Appendix J Consultation Material.pdf• NP21147 Mainstream DL application report v1.0.pdf• Stormwater Assessment Report.pdf– 17/07/2024• Emails received from Mainstream to EPA on 10/05/2024, 24/05/2024, 08/07/2024, 18/07/2024 <p>.. In the event of any inconsistency between the approved documents and the conditions of this permission, the conditions of this permission shall prevail.</p>
DL_G03	<p>Subject to the following conditions, this development licence allows you to: in accordance with your application (APP024640) and supporting information, to expand the site and operations to:</p> <p>1. Maintain a storage capacity of up to 650 tonnes (t) of Reportable Priority Waste (RPW), classified as Category C and Category D, with the following breakdown:</p> <ul style="list-style-type: none">• Up to 50 (t) of J120 waste at any one time;

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- Up to 50 (t) of J130 waste at any one time;
- Up to 500 (t) of L100 waste at any one time;
- Up to 50 (t) of L200-H waste at any one time;
- Up to 200 (t) of N120 waste at any one time;
- Up to 50 (t) of T130-H waste at any one time;
- Up to 200 (t) of T330 waste at any one time;

2. Maintain a storage capacity of up to 1,300 tonnes (t) of Priority Wastes (PW) and Industrial Wastes (IW) with the following breakdown:

- Up to 50 (t) of T130-NH waste at any one time;
- Up to 300 (t) of K300 waste at any one time;
- Up to 200 (t) of N122 waste at any one time;
- Up to 50 (t) of L200-NH waste at any one time;
- Up to 100 (t) of K310-NH waste at any one time;
- Up to 100 (t) of W-3 waste (street sweeping) at any one time;
- Up to 100 (t) of W-3 waste (stormwater/GPT) at any one time;
- Up to 400 (t) of W-3 waste (other clean material) at any one time;

3. Wash and screen up to 14,640 tonnes per annum (tpa) of Reportable Priority Wastes -Category C and Category D wastes (primarily non-destructive digging (NDD) wastes, and soil) for reuse, that include:

- Up to 1000 (tpa) of J120 waste (liquid form);
- Up to 1000 (tpa) of J130 waste (liquid form);
- Up to 1000 (tpa) of L100 waste (liquid form);
- Up to 1000 (tpa) of L200-H waste (liquid form);
- Up to 4,320 (tpa) of N120 waste (solid form);
- Up to 4,320 (tpa) of T130-H waste (mix form);
- Up to 2000 (tpa) of T330 waste (liquid form).

4. Wash and screen up to 57,500 tonnes per annum (tpa) of Priority Wastes and Industrial Wastes (liquid and solid Gross Pollutant Trap (GPT) wastes, General Solid Waste (GSW), and street sweepings, that include:

- Up to 24,000 (tpa) of T130-NH waste (mix form);
- Up to 3,000 (tpa) of K300 waste (solid form);
- Up to 4,000 (tpa) of N122 waste (solid form);
- Up to 2,000 (tpa) of L200-NH waste (liquid form);
- Up to 500 (tpa) of K310-NH waste (solid form);
- Up to 10,000 (tpa) of W-3 (street sweepings) waste (solid form);
- Up to 10,000 (tpa) of W-3 (stormwater and GPT) waste (liquid form);
- Up to 4,000 (tpa) of W-3 (other clean material) wastes (mix form).

DL_G04

This permission does not take effect until a copy of any planning permit or amendment to a planning scheme required under the Planning and Environment

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	Act 1987 (Vic) and related planning schemes has been provided to the Authority by the applicant.
DL_G05	<p>This permission expires:</p> <ul style="list-style-type: none">(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 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.
DL_G07	<p>You must:</p> <ul style="list-style-type: none">(a) develop and maintain a decommissioning plan that is in accordance with the current decommissioning guidelines published by the Authority;(b) provide the decommissioning plan to the Authority upon request;(c) supply to the Authority an updated detailed decommissioning plan 45 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(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.

Standard conditions

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">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;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; orc) Any breach of the licence.
DL_C05	<p>1. You must develop a risk management and monitoring program for your activities which:</p> <ul style="list-style-type: none">(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;(b) clearly defines your environmental performance objectives;(c) clearly defines your risk control performance objectives;(d) describes how the environmental and risk control performance objectives are being achieved;(e) identifies and describes how you will continue to eliminate or minimise the risks in 1(a) (above) so far as reasonably practicable; and(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.

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2. The risk management and monitoring program must be:
- (a) documented in writing;
 - (b) signed by a duly authorised officer of the licensed entity
 - (c) made available to the Authority on request.
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Within 60 business days of the completion of the approved activities, you must provide to EPA a written report that summarises the activities undertaken and includes:

An overarching Commissioning Proof of Performance (PoP) Report, prepared by a qualified Environmental Auditor, detailing multiple lines of evidence that review the soil washing process results and screening equipment performance.

Include separate sub-reports each submitted upon completion of the following milestones:

- Milestone 1: Baseline year - Approximately 35,000 tpa (current operation) (waste classification: IW and PW)
- Milestone 2: Approximately 50,000 tpa (waste classification: IW, PW and RPW);
- Milestone 3: Approximately 65,000 tpa (waste classification: IW, PW and RPW);
- Milestone 4 and beyond: Up to 72,140 tpa (waste classification: IW, PW and RPW)

All reports to include:

DL_C07

1. Detailed results of the Proof of Performance (POP) tests for the soil washing and screening equipment, and include:

a) Laboratory Quality Assurance/Quality Control (Lab QA/QC) documentation associated with the POP testing. This documentation should include:

- i. A summary of soil treatment verification results demonstrating the effectiveness of the treatment process in removing contaminants.
- ii. Any non-conformances encountered during testing and the corrective actions taken.
- iii. Chain of custody documentation for all collected soil samples.

b) A summary of findings demonstrating that the treated soil consistently meets the soil washing targets and demonstrates compliance with its intended final use.

Sub-reports for Milestones 2, 3, and 4 to additionally include:

- 1. The efficiency of the soil washing process:
 - a) A breakdown of the types of soils treated, and the targeted contaminants.

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b) Mass balance analysis comparing contaminant mass in untreated soil to outputs (cleaned soil, wastewater, and any other waste streams produced during washing (e.g., filter cake, sludge).

c) Results of appropriate leachability tests performed on the treated soil to ensure that any residual contaminants are not mobile or leachable.

d) Recovery rate calculations determining the percentage of contaminants removed.

2. Describe any "hot spots" of contamination encountered during the treatment process. Explain how these areas were addressed, including the limiting factors that influenced the effectiveness of contaminant removal for:

a) Category C and Category D wastes (non-destructive digging (NDD));

b) Gross Pollutant Trap (GPT) wastes;

c) General Solid Wastes (GSW).

3. The noise emissions findings during commissioning and implemented noise control measures that demonstrate compliance with the EPA Guideline 1826.4 - Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues; and EPA Publication 1996 "Assessing Low frequency Noise" (if any).

4. Odour emissions findings and implemented odour control measures in accordance with EPA Guidance "Odour Advise for Businesses" (if any).

DL_W03	You must notify the Authority when the construction associated with the development activities covered by this approval has been completed.
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DL_W04	You must not commission or use the operating components of the development activities without the written approval of the Authority.
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Specific conditions

DL_C03	Commissioning 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.
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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</p>
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	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.
DL_C11	Wastes accepted at the activity site may only be treated or disposed of in accordance with Appendix 4.
DL_G06	<p>You must:</p> <p>(a) prior to commissioning, provide the Authority with the full financial assurance in a form and for an amount determined by the Authority; and</p> <p>(b) maintain such financial assurance (including any part of such assurance) so that it can be claimed on, utilised or realised by the Authority as and when required.</p>
DL_R01	<p>At least 45 business days before the commencement of any commissioning, you must provide to the Authority reports that include(s):</p> <p>1. An updated Odour Management Plan (OMP) that details all waste streams and their volumes on-site, outlining specific actions to minimize and monitor odour both on and off-site, with a particular focus on periods of high activity.</p> <p>2. A detailed Commissioning Plan that clearly define the washing trials objectives, targeted contaminants, and monitoring methodologies for validation or proof-of-performance of the development activities in accordance with the application and development license. The plan will include, but is not limited to:</p> <p>a) The current Pilot Trials plan and results on NDD Wastes handling and processing technology before full-scale implementation (for the current Baseline year – approximately 30,000 tpa)</p> <p>b) A plan to undertake trials at each phase of the project, which includes:</p> <p>i. List of specific contaminants to be targeted in the trials</p> <p>ii. Description of the sampling plan, analytical methods, and Quality Assurance/Quality Control (QA/QC) procedures</p> <p>iii. Description of how data will be analysed, reported, and used to evaluate the success of the trials, including:</p> <p>iv. A draft calculation of the contaminant mass balance in different waste streams to understand the soil matrix/contaminant relationship.</p> <p>3. A Contingency Program to address any unforeseen events or deviations from the expected performance of the soil washing process. This plan should outline:</p> <p>a) The process to manage any concentrated treatment residue or handling complex soil and debris matrices generated during soil washing.</p> <p>b) Alternative treatment or disposal options for soil batches that exceed contamination standards or do not meet specifications, including any re-treatment or disposal options for failed batches.</p> <p>c) A monitoring program with both internal process performance and discharge quality metrics (if applicable), including specific discharge limits. A remediation plan in case discharge limits are exceeded.</p>

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You must install :

1. Dust and Stockpiles Management:

- a) Install dust monitors (dust fall deposition gauges) to measure real-time dust concentrations and trigger control actions.
- b) Stockpiles height must be maintained lower than the surrounding structures.
- c) Stockpiles of fine material (less than 3 mm in size) must be covered during dry periods.
- d) Untreated soil stockpiles must be stored on either a lined impermeable surface of appropriate thickness or concrete, with a permeability rate of 1×10^{-9} m/s, and covered with a secure plastic sheet or stored indoors.
- e) Fill materials that exceed contamination standards must be disposed of as Category D wastes.

2. Stormwater Management:

- a) Prior to commissioning, you must construct and maintain a drainage channel or bund along the eastern boundary of the southern portion, designed to accommodate the peak flow of a 10-year ARI storm event.
- b) Install a drainage pit at the lowest point of the eastern boundary channel, sized to effectively capture the peak flow of a 10-year ARI storm event, and equipped with a submerged pump capable of diverting the captured stormwater runoff to the Aqua Cycle treatment unit before discharge.
- c) Install grading, swales, or other appropriate barriers along the western boundary to prevent cross-site overland flow from the neighbouring property.

3. Groundwater Monitoring

- a) Prior to commissioning, undertake a site-specific groundwater investigation must be conducted to establish a baseline groundwater quality profile and identify any existing contamination. Based on the investigation results, a comprehensive groundwater monitoring program must be implemented. This program should incorporate appropriate control measures and early detection mechanisms for potential contamination.

DL_W08

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

There is no locality plan for this licence.

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Appendix 2 – activity plan

There is no activity plan for this licence.

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Appendix 3 – contour plan

There is no contour plan for this licence.

Appendix 4 - waste acceptance table

Waste Code	Waste Description	Treatment Code	Treatment Description
J120	Waste oil/water, hydrocarbons/water mixtures or emulsions	D15	Storage pending any permissioned activity
		D9C	Physical treatment not otherwise specified
		R13	Accumulation of material intended for any permissioned activity
		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
J130	Triple interceptor waste and stormwater contaminated with oil or hydrocarbon	D15	Storage pending any permissioned activity
		D9C	Physical treatment not otherwise specified
		R13	Accumulation of material intended for any permissioned activity
		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
K300	Commercial garden & landscaping organics that does not contain any	R13	Accumulation of material intended for any permissioned activity

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	physical or chemical contamination	R15	Recycling/reclamation of soils
		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
K310-NH	Untreated timber, including sawdust	R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
L100	Car and truck washwaters	D15	Storage pending any permissioned activity
		D9C	Physical treatment not otherwise specified
		R13	Accumulation of material intended for any permissioned activity
		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
L200-H	Industrial wastewater (excluding sewage) not otherwise specified in "Schedule 5—Waste Classification" of the Environment Protection Regulations 2021	D15	Storage pending any permissioned activity
		D9C	Physical treatment not otherwise specified
		R13	Accumulation of material intended for any permissioned activity

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		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
L200-NH	Industrial wastewaters (excluding sewage) which meets conditions relating to wastewater reuse in a permission	R13	Accumulation of material intended for any permissioned activity
		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
N120	Soil that has contaminant concentrations exceeding the upper limits for fill material contaminant concentrations specified in the Waste Disposal Categories—Characteristics and Thresholds or contains asbestos	R13	Accumulation of material intended for any permissioned activity
		R15	Recycling/reclamation of soils
		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
N122	Excavated material or engineered fill including fill material, other than item 83 or 85 of "Schedule 5—Waste Classification" of the Environment Protection Regulations 2021	R13	Accumulation of material intended for any permissioned activity
		R15	Recycling/reclamation of soils
		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation

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T130-H	Sludges or slurries, including drilling muds containing hazardous substances	R13	Accumulation of material intended for any permissioned activity
		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
T130-NH	Sludges or slurries, including drilling muds other than item 102 of "Schedule 5—Waste Classification" of the Environment Protection Regulations 2021	R13	Accumulation of material intended for any permissioned activity
		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
T330	Leachate from waste treatment/disposal operations	D15	Storage pending any permissioned activity
		D9C	Physical treatment not otherwise specified
		R13	Accumulation of material intended for any permissioned activity
		R18	Storage pending resource recovery or off-site transfer or disposal
		R19	Recycling/reclamation
W_3	Industrial Waste (Commercial and Industrial) - Waste from commercial and industrial sources that includes putrescible waste	R13	Accumulation of material intended for any permissioned activity
		R15	Recycling/reclamation of soils

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R18 Storage pending resource recovery or off-site transfer or disposal

R19 Recycling/reclamation

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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.