

Development licence

Environment Protection Act 2017

Licence number	DL000300044
Issue date	21 December 2023
Last amended	7 April 2025
Expiry date	30 June 2027
Licence holder	PAVILION BIOGAS PTY LTD
ACN	653707272
Activity site(s)	445 Carrs Road Anakie 3213
Prescribed permission activities	A01 (Reportable priority waste management) A07a (Organic waste processing - large) A08 (Waste to energy)

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.

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 Pavilion Biogas Waste to Energy Facility must be constructed in accordance with the listed approved plans and documents: Title: "Development Licence Application Pavilion Biogas Fertiliser Manufacturing Facility", Filename: 31269-Pavilion Biogas Fertiliser-Development Licence Application V3.0, Date: 15/03/2023; Title: "Application Details", Filename: APP018599 - Application Details; Title: "Proposed Fertiliser Facility Revision A", Filename: Appendix C - Figures, Date: 08/06/2022; Title: "445 Carrs Road, Anakie Flora and Fauna Assessment", Filename: Appendix D - Flora and Fauna Assessment, Date: February 2022; Title: "Pavilion Farms and Pavilion Biogas Organic Fertiliser and Renewable Energy through Anaerobic Digestion Community Engagement Consultation Process - June 2022 and ongoing", Filename: Appendix F - Community Consultation Project Overview; Title: "Pavilion Farms AD Mass Balance Example Menu no 1", Filename: Appendix G - AMZCO Pavilion AD Example Mass Balance 6-3-23 (Commercial in confidence), Date: 06/03/23; Title: "AMZCO Proposed Design for Pavilion Farms AD Plant (Drawing Package)", Filename: Appendix I - Amzco Drawing Package Pavilion 160223 (Commercial in Confidence), Date: 12/02/2023; Title: "Pavilion Drainage Plan", Filename: Appendix K - Drainage Plan (Commercial In Confidence), Date: 24/02/2023; Title: "Risk Assessment", Filename: Appendix L - Pavilion Fertiliser - Risk Assessment - 20220805; Title: "Hazard Analysis and Critical Control Point Plan (HACCP) Use of Animal by Product Classified Waste as a Feedstock", Filename: Appendix M1 - HACCP 18022023 Pavilion rev 3 TL 200223 (Commercial in Confidence), Date: 06/02/2023; Title: "Waste Process Flow", Filename: Appendix M2 - Pavilion Biogas Waste Process Flow 200223 (Commercial in Confidence); Title: "Greenhouse Gas and Energy Impact Assessment", Filename: Appendix N - Pavilion Farms - GHG v2.0, Date: 05/08/2022; Title: "Pavilion Farms Fertiliser Facility - Technical Review and Air Quality and Odour Impact Assessment", Filename: Appendix O - Pavilion Farms Proposed Fertiliser Facility - Technical Review & AQIA Final Report V1.0 [20220805], Date: 05/08/2022; Title: "Proposed Fertiliser Manufacturing Facility Assessment of Noise Emission", Filename: Appendix P - Pavilion Noise Assessment, Date: 26/07/2022; Title: "Pavilion Biogas Specification Sheet", Filename: Specifications List 17022023; Title: "Pavilion Farms Fertiliser Facility - Response to Request for Information", Filename:</p>

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Pavilion Farms - Follow-up Response Report [20231013 issuedm], Date: 13/10/2023;
Title: "Receiving Shed Mechanical Services", Filename: RECEIVING SHED-SD-M-GL-D01 updated for TOU review, Date: 11/10/2023;
Title: "Overview Plan P2", Filename: Chemical Layout Rev 4, Date: 15/09/2023;
Title: "EPA RFI dated 2 November 2023", Filename: Response to EPA RFI dated 2 November 2023;
Title: "Main Digester 1 (LHS)", Filename: Main digester diagram with fitted sensors and measuring systems, Date: 23/11/2022;
Title: "Pavilion Farm Sensor List", Filename: Pavilion Farm Sensor List and Type Rev 1.0, Date: 13/11/2023;
Title: "Pavilion Biogas Waste Handling (Delivery and Storage)", Filename: Pavilion Biogas Waste Handling TL second review 231123;
Title: "UF10 Specification and Performance page", Filename: 7131 UF10-1250-BGF Specification and Performance;
Title: "Equipment Manifest", Filename: Equipment Manifest 10102023;
Title: "The Pavilion Biogas ("PB") AD Process - a Step by Step Overview", Filename: AD Process Overview for EPA RFI updated Oct 2023;
Title: "Pavilion", Filename: PID Mark up Numbered Final Oct 2023, Date: 07/09/2023;
Title: "Pavilion Farms Fertiliser Facility - Air Quality and Odour Impact Assessment Addendum Report", Filename: Pavilion Farms - AQOIA Addendum Report 20230917 issuedm, Date: 17/09/2023;
Title: "Proposed Chemical Use and Storage in Anaerobic Digestion Process", Filename: Chemical Use in Anaerobic Digestion Process_EPA Response Final;
Title: "31269 - Noise EPA RFI", Filename: Response to EPA NOISE RFI_12Sept23;
Title: "Pavilion Anaerobic Digestion Tank Spill/Leak Control", Filename: Pavilion Anaerobic Digestion Tank Spill 14122023 updated calcs;
Title: "Anakie Biogas Stage 1 Development Licence Amendment", Filename: P197-2_Anakie Biogas DLA Stage 1 Amendment;
Title: "Anakie Biogas Stage 2 Development Licence Amendment", Filename: P197-2_Anakie Biogas DLA Amendment STAGE 2. In the event of any inconsistency between the approved documents and the conditions of this permission, the conditions of this permission shall prevail.

DL_G03

Subject to the following conditions, this development licence allows you to: construct an organic waste processing facility, anaerobic digestion plant and energy recovery plant consisting of:

- a) A reception shed with two concrete unloading bays and a building fabric conducive to the achievement of a negative pressure
- b) 1 x feeder bin
- c) 1 x power twin feed unit
- d) 1 x grit minimiser
- e) 1 x microniser
- f) 2 x 620 cubic meter hydrolysatation tanks with double membrane gas storage

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(9.5m diameter)

- g) 2 x 4,900 cubic meter primary digester tanks with double membrane gas storage (28m diameter)
- h) 2 x 1,490 cubic meter secondary digester tanks with double membrane gas storage (15m diameter)
- i) 8 x gas mixing units
- j) 1 x CPU building
- k) 3 x 1.2MW CHP machines
- l) 1 x boiler
- m) 2 x diesel generators
- n) 1 x flare stack
- o) 1 x gas chiller
- p) 3 x screw press separators
- q) 2 x filtrate microfilter
- r) 1 x dryer building
- s) 1 x digestate dryer with odour treatment system
- t) 1 x pasteurisation unit
- u) 1 x dry solid fertiliser storage shed
- v) 1 x concentrator
- w) 1 x water polishing unit
- x) 2 x 360,000L clean water storage tank
- y) 1 x 50,000L reception storage tank
- z) 1 x 500,000L separated liquor tank
- aa) 1 x 500,000L grey water storage tank
- bb) 3 x 25,000L dirty water process tanks
- cc) 2 x 250,000L fire water tanks
- dd) 1 x fire system pump
- ee) 1 x gas analyser
- ff) 14 x rotary lobe pumps
- gg) 1 x pump shed
- hh) Mechanical equipment and chemical dosing systems to enable the process
- ii) Ancillary systems and equipment
- jj) 1 x emulsifying unit
- kk) 2 x activated carbon treatment vessels.

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 Act 1987 (Vic) and related planning schemes has been provided to the Authority by the applicant.

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 have been satisfactorily completed and the issue or amendment of an operating

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	licence or permit is not required; or c) on the expiry date listed on the front page of this permission.
DL_G07	You must: (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 180 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.
DL_W03	You must notify the Authority when the construction associated with the development activities covered by this approval has been completed.
DL_W04	You must not commission or use the operating components of the development activities without the written approval of the Authority.

Standard conditions

DL_C01	Commissioning activities must be undertaken in accordance with the commissioning plan approved by the Authority.
DL_C02	You must immediately notify the Authority by calling 1300 EPA VIC (1300 372 842) in the event of: 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; or c) Any breach of the licence.
DL_C05	1. You must develop a risk management and monitoring program for your activities which: (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

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- 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.
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.

DL_C07

Within 60 days of the completion of the approved activities, you must provide to EPA a written report that summarises the activities undertaken and includes:

- a) a commissioning report that summarises the results of all commissioning and proof of performance activities;
- b) an air quality and odour management plan in accordance with the application documents;
- c) a monitoring program that includes all measures stated in BAT 38 of the BAT Conclusions for waste treatment published by the Industrial Emissions Directive 2010/75/EU of the European Parliament and of the Council;
- d) an operation and maintenance plan for the CHP machines with the objective of minimising the use of flaring, and which includes emissions limits and conversion efficiency targets;
- e) a biofilter maintenance and management plan in accordance with EPA Publication 1880 (if the final design includes a biofilter);
- f) an operational noise management plan in accordance with the requirements of BAT 17 of the BAT Conclusions for waste treatment published by the Industrial Emissions Directive 2010/75/EU of the European Parliament and of the Council.

Specific conditions

DL_C03

Construction and commissioning activities permitted under this licence 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.

DL_C09

You must not accept or store more than 775 tonnes of wastes at the activity site for the duration of this permission.

DL_C10

You must ensure that:

- a) Only waste of a type shown in Appendix 4 of this approval is accepted at the activity site; and
- 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

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	to a site authorised by the Authority to receive such waste within 21 days of the date it was received.
DL_C12	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.
DL_G06	<p>You must:</p> <p>(a) prior to [placeholder1], 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_G06.02	<p>You must:</p> <p>(a) provide the Authority with a financial assurance in a form and for an amount determined by the Authority, by a date specified 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 days before the commencement of any commissioning, you must provide to the Authority reports/plans that include(s):</p> <p>a commissioning plan including:</p> <p>a) details of commissioning and proof of performance activities to verify that the performance objectives of each process unit are met;</p> <p>b) details of monitoring of the pasteurisation unit to demonstrate that the entire contents has been treated at 70 degrees for the duration of 1 hour;</p> <p>c) verification that the reception shed can be maintained under negative pressure;</p> <p>d) odour field surveillance during commissioning in accordance with EPA Publication 1881;</p> <p>e) a testing plan for verification of the achievement of 500 odour units or less from the dryer odour treatment system when the dryer is operating at full capacity, including emissions criteria that includes odour character;</p> <p>f) a biofilter operation and maintenance plan to prove conformance to EPA Publication 1880;</p> <p>g) a Risk Management Plan addressing the requirements of the Code of practice for the storage and handling of dangerous goods 2013;</p> <p>h) final versions of waste acceptance and handling procedures that include all techniques stated BAT 2, BAT 4 and BAT 5 of the BAT Conclusions for waste treatment published by the Industrial Emissions Directive 2010/75/EU of the European Parliament and of the Council;</p> <p>i) a waste management plan for the classification, categorisation, management and control of all wastes produced in accordance with the waste duties described in the Act;</p> <p>j) a monitoring plan for all wastes produced during commissioning which addresses the requirements of: i) EPA Publication 1882.2 (March 2021) Waste disposal categories –</p>

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	<p>characteristics and thresholds, ii) IWRG701 (June 2009) Sampling and analysis of waters, wastewaters, soils and wastes, iii) IWRG702 (June 2009) Soil sampling;</p> <p>k) a stack testing program to verify all air pollutant emission rates used in the technical review and modelling assessment of air quality impact;</p> <p>l) a procedure for communication with nearby residents when flare activation is planned;</p> <p>m) an emergency response plan for: i) major spill containment and clean up, ii) containment of firewater and for dealing with contaminated fire water runoff;</p> <p>n) a routine water quality monitoring plan for the stormwater pond;</p> <p>o) a noise monitoring program to determine plant performance in accordance with the application and specifically a measurement program to ensure unreasonable noise, including low frequency noise will not be emitted at the onset of operation;</p> <p>p) measurement of biogas composition.</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 reports/plans which is required pursuant to condition(s) DL_C05 and DL_R01.</p>
DL_R03	<p>You must not commence operation of the works until the Authority's written approval of the reports/plans required by condition(s) DL_C07 has been received.</p>
DL_R04	<p>At least 45 days before the commencement of any construction, you must provide to the Authority reports/plans that include(s):</p> <p>a) a final drainage plan showing the segregation of clean stormwater (non-contact water) from contaminated water (contact water);</p> <p>b) a construction environmental management plan (CEMP) that includes a description of the proposed construction activities and with reference to appropriate guidance, such as - Civil construction, building and demolition guidance (EPA Publication 1834).</p>
DL_W01	<p>At least 45 days prior to commencing construction of the following components of the development activity, you must provide to the Authority for approval:</p> <p>a) a HAZOP study for: i) the anaerobic digestion process, ii) solids treatment process, iii) wastewater treatment plant, iv) chemical storage and dosing systems, v) biogas storage and conveyance systems, vi) energy recovery plant including backup heat/power systems, and vii) odour extraction and treatment systems.</p> <p>b) final versions of Process and Instrumentation Diagrams (P&IDs)</p> <p>c) a final design of the secondary containment system in accordance with the requirements of EPA Publication 1698 Liquid storage and handling guidelines.</p>
DL_W02	<p>You must notify the Authority in writing when the development activity authorised by this permission has commenced.</p>
DL_W08	<p>You must install</p> <p>(a) on the reception shed, fast acting roller doors;</p>

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	<p>(b) on the reception shed, two axial flow fans: i) capable of achieving a negative pressure, ii) with an exit velocity of greater than 10m/s, iii) a discharge point at least 8m from ground level, iv) designed to achieve at least 15 air changes per hour;</p> <p>(c) odour control on the dryer exhaust in the form of a biofilter and/or wet scrubber capable of achieving 500 odour units or less, with continuous monitoring of inlet air temperature and relative humidity and backpressure;</p> <p>(d) a flare stack in accordance with ISO 22580:20 Flares for combustion of biogas capable of flaring maximum hourly production of 1,117 normal cubic meters;</p> <p>(e) all CHP machines with a minimum stack height of 10m;</p> <p>(f) A flow measurement device to provide continuous monitoring of the quantity of biogas sent to flaring;</p> <p>(g) continuous biogas monitoring for methane, carbon dioxide, hydrogen sulphide;</p> <p>(h) acoustic enclosures on all gas mixers in accordance with the application documents;</p> <p>(i) broadband reversing alarms on all mobile plant at the site.</p>
DL_W09.01	You must install all exhaust stacks so that provisions for sampling are included in accordance with "A Guide to the Sampling and Analysis of Air Emissions and Air Quality" (EPA Publication 440.1, released December 2002), or as approved by the Authority.
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).
DL_W13	During construction, you must ensure that all activities are carried out in accordance with the approved CEMP referred to in condition DL_R4.

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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.

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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	D8	Biological treatment not otherwise specified
K200	Liquid organic wastes including commercial food, not containing other priority wastes listed in items 50 to 53 or 55 to 63 of "Schedule 5—Waste Classification" of the Environment Protection Regulations 2021	D8	Biological treatment not otherwise specified
K220	Manures including any mixture of manure and biodegradable animal bedding such as straw	D8	Biological treatment not otherwise specified

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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.