



**SPM**

# **LYKA WELLNESS PTY LTD**

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**Development Licence  
Exemption Application  
32 Crompton Way  
Dandenong South VIC 3305**

**September 2024**



## DOCUMENT INFORMATION

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# 1. INTRODUCTION

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## 1.1. Background

LYKA WELLNESS PTY LTD (Lyka) held an EPA Victoria Development Licence DL000300034 and holds an Operating Licence OL000300077, which permits pet food processing with an annual capacity of 5,200 tonnes at their Dandenong South facility. A copy of this Development Licence is included as [Appendix A](#).

Since the approval was issued, Lyka have seen increased demand in their product and plan to extend their operating hours at the site to meet this demand. The key infrastructure and processes are the same as was proposed and approved by EPA through the Development Licence and subsequent Operating Licence. Additional noise monitoring carried out demonstrated no material impact on human health or environmental risk profile for the site due to extending the operation hours (see discussion below).

Operations and controls that mitigate the impacts of odour, noise, dust, litter, stormwater discharge in line with the GED using a variety of controls (refer to [Appendix B](#)), have not changed.

## 1.2. Requested exemption

Lyka is seeking an exemption from Development Licence to:

- Maintain current hourly production rates, but increase the hours of operation, allowing up to 24 hours per day operation.
- Alter the design throughput of the plant from 5,200 tonnes per year to up to 12,000 tonnes per year, allowing for the increased operating hours. This equates to less than 1.5 tonnes per hour and is a relatively small-scale industrial operation.
- Change delivery truck hours from being 6am to 6pm to being 6am to 10pm. Delivery truck noise has been demonstrated to be inaudible due to distance to residents and the Dandenong bypass in between.

This extension is being sought to enable Lyka to meet growing demand.

This application is seeking an exemption from the requirement for development licence amendment as the change to operating hours will not cause environmental harm and no works are required.

The activity type *D05 Pet food processing – Pet food processing or pet food manufacturing with a designed production capacity of at least 200 tonnes per year of pet food* remains unchanged.

A detailed assessment against all requirements set out in Section 69 (3) has not been repeated in this application, as this information has been previously provided to and assessed by EPA.

This document outlines the changes to operating hours and describes where there are changes in the environmental impacts (Table 2.1).

### 1.2.1. Permission details

Licence/permit number	DL000300034 OL000300077
Permission holder type	Registered company
Licence/permit holder name	LYKA WELLNESS PTY LTD
Company's ABN and ACN	ABN 56 623 082 360, ACN 623 082 360
Other licence/permit numbers (if applicable)	City of Greater Dandenong Planning Permit PLN22/0593 <a href="#">Appendix D</a>

## 2. Proposed amendment

### 2.1. Operation Overview

This Development Licence exemption application is submitted to EPA Victoria under Section 80 of the Environment Protection Act. The site's current Operating Licence is shown in ([Appendix A](#)).

This application seeks to change the operational hours of the site whilst retaining all the same key features in the 2022 Development Licence application. That is to say:

- The building, processing method and biofilter treated odour from exhaust air has not changed
- The noise generated from the increased production hours will not impact sensitive receivers ([Appendix C](#))

The key difference being in the quantity/volume of throughput being produced and increased waste packaging removal with the increased operating hours.

The production rate of 1.5 tonnes/hour will continue however the hours will increase from 19 hours per day (4am – 11pm) to 24 hours per day, and potentially seven days a week (with cleaning and maintenance as required). Truck delivery and offloading occurs 6am - 6pm, being extended until 10pm in the evening period.

Table 2-1 details the initial application and changes to be made in 2024.

The site has planning permission - see planning permit in [Appendix D](#). This permit does not limit the operating hours at the site.

### 2.2. Human health and environment risk assessment

Lyka takes seriously potential impacts to human health and the environment. As per the environmental risk assessment for the existing facility and as outlined in the RMMP, appropriate management measures and controls have been implemented to reduce the residual risks to low across the following broad categories:

- Noise
- Odour
- Waste management
- Surface water impacts
- Air (refrigerant release)
- Soil and Groundwater impacts

Noise sources emanating from exhaust fans have been controlled after upgrading the facility's fan system to include larger, slower units that can be individually controlled. Use of roof top fans will not

change (i.e. will not operate during night periods). Noise from the refrigeration fans requires active management and Lyka have commissioned further noise monitoring to be carried out overnight during initial 24-hour operations to ensure best practice controls are effective.

The original RMMP assesses the risk from the activities and concludes that the risks are acceptable and reduced so far as reasonably practicable. Table 2-1 assesses how the 24-hour operations will not change the risk profile of the site. Table 2-2 provides reasoning behind granting an exemption with respect to the legislation.

Table 2-1 Summary of proposed development changes for Lyka operations

Element	2022 Approved Design	2024 Proposed changes	Human Health and Environment Risk Assessment comment
Volume	5,200 tonnes annually	14,400 tonnes annually	There will be no change to the human health or environment risk from the increase in volume at the facility as outlined below as hourly production rates remain the same.
Noise	Hours of operation include: <ul style="list-style-type: none"> <li>• production 4am - 11pm</li> <li>• cleaning 11pm - 4am</li> <li>• truck delivery and offloading 6am - 6pm</li> </ul>	Hours of operation include: <ul style="list-style-type: none"> <li>• production and cleaning 24 hours a day</li> <li>• truck delivery and offloading 6am – 6pm</li> </ul>	Selected equipment has low noise levels and suitable noise attenuation has been installed to comply with any adopted standards or recommendations issued by EPA as part of the Operating Licence already.  During the first month of 24-hour operations, Lyka will engage an acoustic specialist to carry out monitoring over a 7-day period to ensure night operations meet the Noise guidelines.
Odour	Biofilter	No change to biofilter configuration or feed rate	The emission rates will not change. The increased production will have a beneficial impact on the efficiency of the biofilter as it will be a continuous feed to the microbes.  There have been no complaints from the existing operations and there has been no odour detected beyond the site boundary.
Waste	Currently waste packaging is removed from site: General – 3 bins collected daily Food – 1 bin collected daily Soft plastics – 1 bin collected daily	Waste storage unchanged, except for soft plastics baler to be installed.  General – 3 bins collected daily  Food – 1 bin collected daily  Soft plastics – 1 bin collected daily *changing to baler	Waste will be collected more regularly as required, continue with daily or increase to twice daily if required.

Element	2022 Approved Design	2024 Proposed changes	Human Health and Environment Risk Assessment comment
	Recycle (plastic/cardboard) – baled and collected every 10 pellets	Recycle (plastic/cardboard) – baled and collected every 10 pellets	
Traffic generation / truck movements	54 full time staff (~52-54 vehicles)	<p>Morning/afternoon shifts will be the same and add 23 extra people for night shift</p> <p>Morning shift 6am – 2pm</p> <p>Afternoon shift 2pm – 10pm</p> <p>Night shift 10pm - 6am</p>	<p>Additional staff from night shift vehicles at the same times that existing shift changes occur. Not detectable above existing Dandenong bypass traffic noise</p> <p>No change to truck delivery times.</p>

Table 2-2 Environment Protection Regulations – reason to grant an exemption

EPA Regulations	Lyka comment
<b>24 Criteria for considering licence exemptions</b>	
For the purposes of section 80(5) of the Act, the following are prescribed matters—	
(a) The purpose of the Act	The relevant purposes of the Act for this exemption are 1(f), (g), (h) and (k). Lyka's operations present low risk to human health and the environment.
(b) The objective of the Authority	The EPA's role is to prevent and reduce the harmful effects of pollution and waste on Victorians and the environment. Lyka's operations present low risk to human health and the environment meeting this objective
(c) the objects set out in section 111 of the Act (minimising waste generation and disposal)	Lyka is continually on the lookout for opportunities to improve. This includes Lyka seeking/obtaining ISO Certification (ISO 14001:2015 Environmental Management Systems and ISO 45001:2018 Occupational Health and Safety Management Systems) and achieved HACCP certification (Hazard Analysis and Critical Control Point) for food safety.  Lyka sponsor high-quality carbon offsets including <i>Greenfleet</i> to mitigate GHG emissions as well as continuously improving operations to minimise energy and water use and waste generation. 500kW of solar panels have been installed on Lyka's roof.
(d) The principles of environment protection	These were covered in the original Development Licence application Table 3-1 and have not changed.

<p>(e) whether granting the proposed exemption may adversely affect –</p> <ul style="list-style-type: none"> <li>(i) human health or the environment or</li> <li>(ii) the interests of any person other than the applicant or</li> <li>(iii) any environmental values identified in any relevant environment reference standard</li> </ul>	<p>There is no adverse effect from granting the exemption to human health or the environment from extending the operating hours to 24-hour operations.</p> <p>The extended hours of operation relate to the increased demand for their product and therefore granting the exemption is in the interests of people other than the applicant.</p> <p>There are no adverse impacts to environmental values in the ERS under Part 2 – Ambient Air, Part 3 – Ambient Sound, Part 4 – Land or Part 5 – Water.</p>
<p>(f) the best available techniques or technologies for engaging in the prescribed activity</p>	<p>The site has best available controls already in place</p>
<p>(g) whether the applicant has adequately engaged with any person whose interests may be affected by the proposed exemption, taking into account the Charter of Consultation developed under section 53 of the Act</p>	<p>No other person's interests will be affected. Lyka will commission noise monitoring when 24-hour operations begin.</p>
<p>(h) whether the applicant is a fit and proper person for the purposes of Chapter 4 of the Act</p>	<p>As per the recent Operating Licence application Lyka provided relevant details of fit and proper person</p>
<p>(i) Whether, if the Authority has requested further information from the applicant, the applicant has provided sufficient information within a reasonable time</p>	<p>Not requested at this time</p>
<p>(j) whether it is in the public interest to grant the exemption</p>	<p>The increase in production hours at the Lyka facility is in the public interest as there has been increased demand for the product and this will enable Lyka to employ additional staff benefiting the broader community.</p>

## 3. Supporting evidence

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### 3.1. Impacts of the activity- state of knowledge

#### 3.1.1. Meeting the General Environmental Duty (GED)

In accordance with the GED, Lyka has systematically identified and evaluated risks to identify risk control measures. Identified risk and associated controls are documented in the Risk Assessment ([Appendix B](#)) which is treated as a live document, so that newly identified risks and controls are added as they are encountered. Regular staff training and communication allows such updates to be communicated to all staff.

Lyka recognises and meets its responsibilities and obligations under Section 25 of the Act, as a 'person' who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste to minimise those risks, so far as reasonably practicable. Lyka both recognises its duties under section 25 (1) of the Act and will be able to meet the more specific requirements set out in Section 25 (4) of the Act in so far as it is reasonably practicable for it to do so. This exemption application will not alter the activities already approved by EPA, instead seeking approval for an administrative amendment to update the operational hours.

#### 3.1.2. Managing impacts on human health and the environment

Lyka takes seriously, impacts to human health and the environment. As per the environmental risk assessment ([Appendix B](#)), appropriate management measures and controls when implemented, reduce the residual risks to the following broad categories:

- Noise
- Odour
- Waste management
- Surface water impacts
- Air (refrigerant release)
- Soil and Groundwater impacts

#### 3.1.3. Sensitive Receptors

The environmental impact of an activity varies with its location, siting and layout and have been considered during the Development Licence application process. The consideration of risk to human health and the environment have been evaluated and controls implemented as far as reasonably practicable.

The site has frontage to and access from Crompton Way to the west. The site abuts the road reserve of the Dandenong Bypass. The nearest residences to the site are on Tarene Street, north of the Dandenong Bypass, approximately 100m from the site boundary. Hammond Road borders the site's eastern boundary.

The land to the west, east and south of the site is existing industrial development land comprising warehouse facilities similar in scale to the existing warehouse on the subject site.

## 4. Relevant Environmental Values

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### 4.1. Noise

#### 4.1.1. Changes to operating hours

The original proposal minimised noise potential using best practice controls and although the production size of the facility is increased, there will be minimal changes to the design with regard to noise controls as noise modelling concluded *that internal noise emissions from the production line were inaudible and not measurable outside the building*. Controls will still include:

- External extraction fans will not be used after 10pm

Based on the monitoring conducted by Enfield, the proposed 24-hour production would comply with the Noise Protocol limits ([Appendix C](#)). Monitoring is consistent with previous assessments whereby noise emissions from internal manufacturing lines were inaudible outside the building (with no change observed before and after production ceases). Noise levels at the observation locations were still driven by ambient road traffic noise with no obvious tonal or machinery character noise emissions emanating from operations. Noise levels at the residential interface do not materially change during later hours of the night due to constant road traffic, therefore 24-hour operations are expected to be inaudible during the night hours.

Truck loading activities will remain similar with extension in the evening period to cater for increased production. The level of traffic generated as a result of the extended operational hours will have negligible impact on the surrounding road network.

#### 4.1.2. Compliance With EP Act, Regs And ERS

- EPA Publication 1826.4 *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* [1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues | Environment Protection Authority Victoria \(epa.vic.gov.au\)](#)
- EPA Publication 1254 Noise Control Guidelines [1254.2: Noise control guidelines | Environment Protection Authority Victoria \(epa.vic.gov.au\)](#)

Lyka's proposed extended operating hours is still expected to meet EPA Publication 1826.4 (formerly EPA Publication 1411 Noise from Industry in Regional Victoria (NIRV)) according to the modelled data.

The attached noise report demonstrates that noise the changes will be inaudible and so comply with the general environmental duty.

Noise generated by the operation of the facility will be verified by further testing once overnight operation is approved.

#### 4.1.3. Impact to Beneficial Uses

Noise levels at all receivers are predicted to comply with the day, evening and night time criteria.

## **4.2. Air Emissions – Odour**

### **4.2.1. Changes to operating hours**

The original application minimised odour impact and was considered best practice in accordance with the requirements. During commissioning odour surveys detected no odour offsite suggesting a well-designed and implemented odour capture and treatment system. Hourly production rates will not increase and are currently being well treated by the biofilter. An increase in hours of operation will not lead to any increase in odour levels, which are not expected to reach 1 Odour Unit at the nearest residential receptors.

The original application had a low risk of odour impact to the surrounding land, the proposed extended hours would continue to have a low risk of odour impact as shown in the modelling ([Appendix D](#)).

### **4.2.2. Compliance With EP Act, Regs And ERS**

Under the ERS odour is to have “an air environment that is free from offensive odours from commercial, industrial, trade and domestic activities” meaning that odour should not impact sensitive receptors outside the site boundary ([Appendix D](#)).

There have been no odour complaints from residents around the facility since operations began and no significant odour has been detected by any EPA visits / odour specialist carrying out monitoring at Lyka.

### **4.2.3. Impact to Beneficial Uses**

The efficiency of the biofilter is expected to increase with the more consistent feed from extended hours of operation.

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## APPENDICES

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### **APPENDIX A. DEVELOPMENT LICENCE / OPERATING LICENCE**

# Development licence

*Environment Protection Act 2017*

Licence number	DL000300034
Issue date	18 August 2023
Last amended	-
Expiry date	15 August 2025
Licence holder	LYKA PET FOOD PTY LTD
ACN	623082360
Activity site(s)	32 Crompton Way, Dandenong South, Victoria, 3175, Australia
Prescribed permission activities	D05 (Pet food processing)

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



Wendy Tao  
Senior Permissioning Officer  
Delegate of Environment Protection Authority Victoria (EPA)

# Development licence

*Environment Protection Act 2017*

## 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).

# Development licence

Environment Protection Act 2017

## 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.

Licence number: DL000300034

# Development licence

## Environment Protection Act 2017

- 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

# Development licence

*Environment Protection Act 2017*

## 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

# Development licence

Environment Protection Act 2017

## Conditions

### General conditions

Within 30 days of the completion of the approved activities, you must provide to EPA a written report that summarises the activities undertaken and includes:

- a) noise assessment report informed by noise monitoring conducted in accordance with the commissioning plan as specified by DL\_R01;
- b) an updated Risk Management and Monitoring Plan that incorporates the controls and measures presented in the Acoustic Report, acoustic memo dated 03/03/2023, technical memo revision 2 dated 7/8/2023 and further information memo dated 07/08/2023, including controls and measures for managing truck noise; and
- c) odour monitoring results collected in accordance with the Commissioning Plan submitted to EPA on 31 July 2023.

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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.

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The development activity must be developed in accordance with the listed approved plans and documents:

- a) Filename: SPM\_144 Lyka \_Development Licence Application\_RevA EPA submission.pdf; Title: Development Licence Application APP020888, REV A; Date: Nov 2022
- b) Filename:APP020888 – Application Details.pdf; Title: Application Details Date: 19 Jan 2023
- c) Email: Further Information Received – 9 Dec 2022; Title: Information Request CRM\_0887041.msg; Date: 9 Dec 2022
- d) Email: Re: Lyka odour assessment; 6 Feb 2023
- e) Email: RFI response – 6 March 2023; Title: 32 Crompton Way, Dandenong South – 3 March 2023 Response to EPA RFI, prepared by Enfield Acoustics Noise Vibration
- f) Filename: V1195-03-P LFN Assessment (r0).pdf; Title: Technical Memorandum Low Frequency Noise Assessment; Date: 31 July 2023
- g) Filename: Lyka Commissioning Plan for EPA R2 Final.pdf; Title: Commisioning Plan for EPA Approval 31 July 2023; Date: 31 July 2023
- h) Filename: Lyka RMMP R1 final.pdf ; Title: Risk Management and Monitoring Plan Draft Rev 1, Date: June 2023;
- i) Filename: Lyka August 2023 Additional Noise Information for EPA.pdf; Title: Additional Informatin for EPA - 7 Aug 2023; Date: 7 August 2023
- j) Filename: V1195-03-P LFN Assessment (r1).pdf; Title: Low Frequency Noise (LFN) Assessment; Date: 7 August 2023. 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 facility to manufacture pet food up to 5,200 tonnes per year.

Licence number: DL000300034

# Development licence

## Environment Protection Act 2017

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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 licence or permit is not required; or
- (c) on the expiry date listed on the front page of this permission.

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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 60 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.

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### Standard conditions

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DL\_C01 Commissioning activities must be undertaken in accordance with the commissioning plan approved by the Authority.

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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.

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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

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DL\_R01 At least 30 before the commencement of any commissioning, you must provide to the Authority a report that include(s):

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# Development licence

## Environment Protection Act 2017

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An updated commissioning plan for noise that includes commissioning details as presented in the Acoustic Report, acoustic memo dated 03/03/2023, technical memo revision 2 dated 7/8/2023 and further information memo dated 07/08/2023.

This commissioning plan must be prepared by a suitably qualified and experienced acoustic consultant. It must detail the assessment to be conducted to verify whether the noise emissions from the premises meet the noise targets, including low frequency noise, and include a process to recommend any additional controls as necessary, based on the assessment.

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DL_R02	You must not commence commissioning of the operating components of the development activities until you have received the Authority's written approval of the report which is required pursuant to condition(s) DL_R01.
DL_W02	You must notify the Authority in writing when the development activity authorised by this permission has commenced.
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).

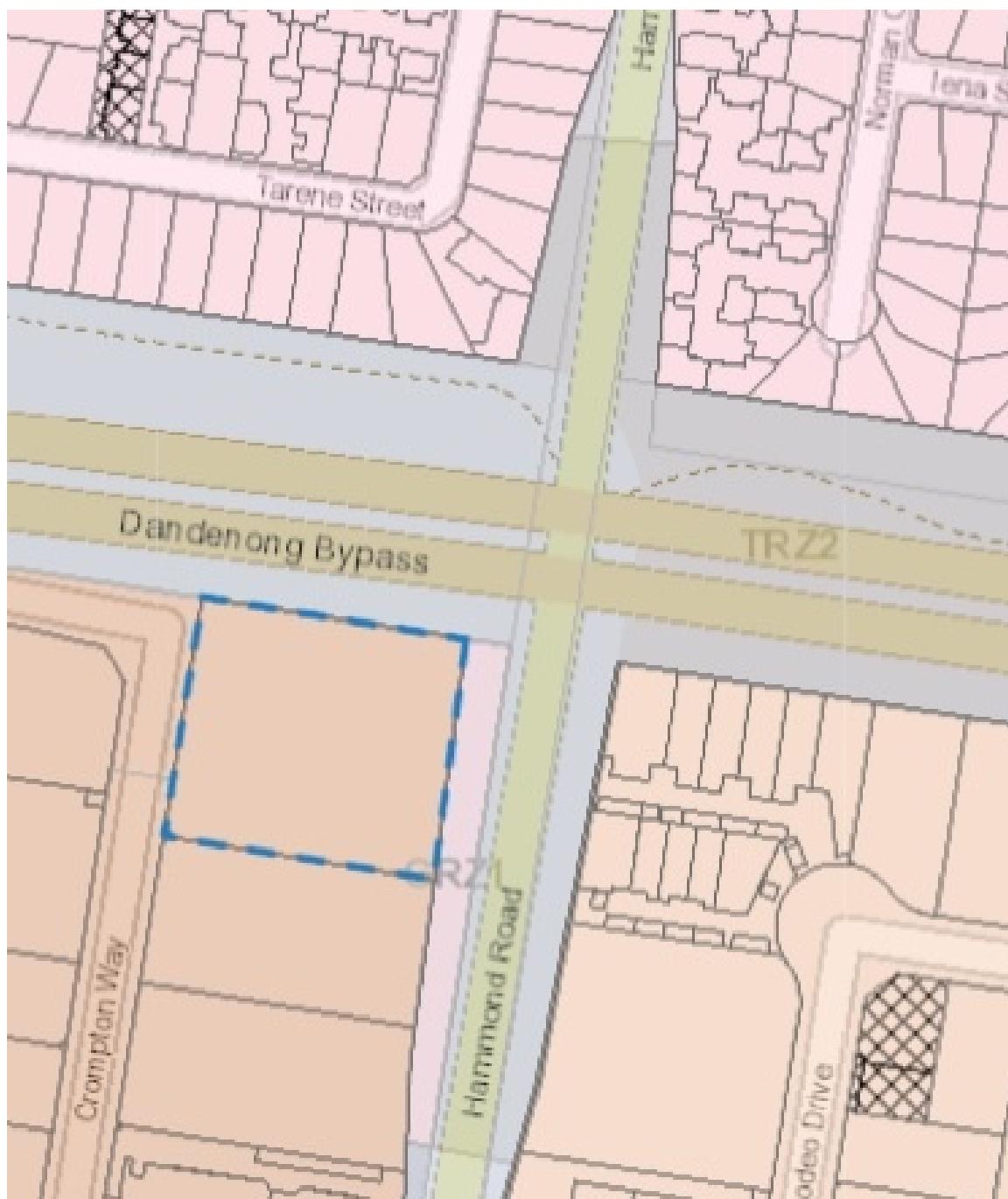
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# Development licence

Environment Protection Act 2017

## 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.

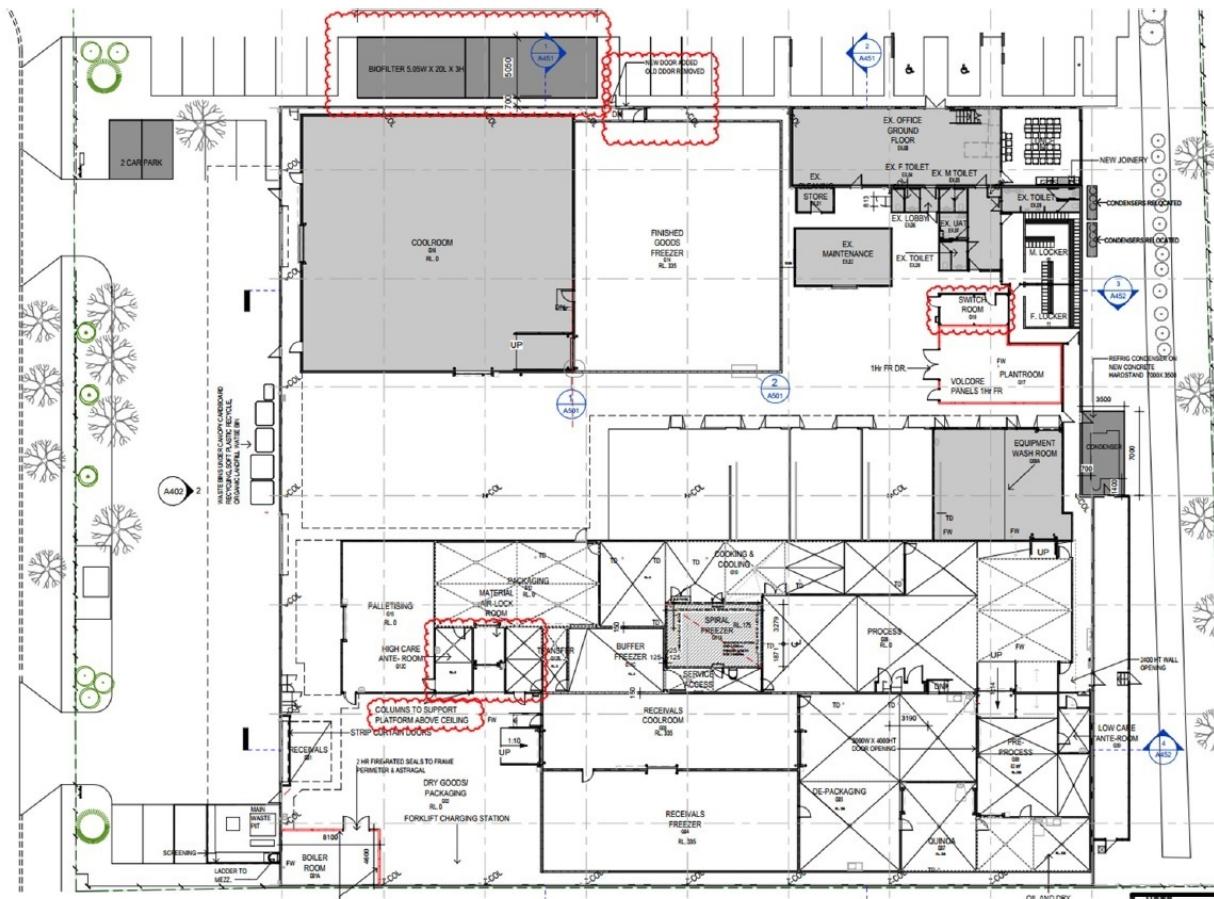
Licence number: DL000300034

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# Development licence

Environment Protection Act 2017

## Appendix 2 – activity 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.

# Development licence

*Environment Protection Act 2017*

## **Appendix 3 – contour plan**

*There is no contour plan for this licence.*

Licence number: DL000300034

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# Development licence

*Environment Protection Act 2017*

## **Appendix 4 - waste acceptance table**

*There is no waste acceptance for this licence.*

Licence number: DL000300034

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# Development licence

*Environment Protection Act 2017*

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

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

Licence number: DL000300034

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# Development licence

*Environment Protection Act 2017*

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

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

Licence number: DL000300034

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# Development licence

*Environment Protection Act 2017*

## **Appendix 7 – landfill cells**

*There are no landfill cells for this licence.*

Licence number: DL000300034

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# Operating licence

*Environment Protection Act 2017*

Licence number	OL000300077
Issue date	16 August 2024
Last amended	-
Expiry date	15 August 2044
Licence holder	LYKA WELLNESS PTY LTD
ACN	623082360
Activity site(s)	32 Crompton Way, Dandenong South, Victoria, 3175, Australia
Prescribed permission activities	D05 (Pet food processing)

Issued under section 74(1)(a) of the *Environment Protection Act 2017* (the Act).



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Margaret Green  
Team Leader, Operating Licences  
Delegate of Environment Protection Authority Victoria (EPA)

# Operating licence

*Environment Protection Act 2017*

## 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 operating licences

A range of operating 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 operating licences so applicants can lawfully undertake prescribed operating activities. Section 45 of the Act provides that a person must not engage in a prescribed operating activity except as authorised by an operating licence in respect of that activity.

### When we issue operating licences

EPA can issue an operating licence under section 74(1) of the Act. When issuing an operating 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 operating licence details are publicly accessible via the EPA Public Register.

## Key information and obligations

### Interpretation

For the purposes of this operating 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 operating 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).

# Operating licence

Environment Protection Act 2017

## 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.

# Operating licence

*Environment Protection Act 2017*

- 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**

This operating licence is subject to the expiry date identified on the first page. 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.

# Operating licence

*Environment Protection Act 2017*

## Operating licence structure

Your operating 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

Licence number: OL000300077

Page 5

# Operating licence

Environment Protection Act 2017

## Conditions

### General conditions

OL\_G01 A copy of this licence must be kept at the activity site and be easily accessible to persons who are engaging in an activity conducted at the activity site. Information regarding the requirements of the licence and the Act duties must be included in site induction and training information.

OL\_G02 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 activity 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.

OL\_G03 You must notify the Authority within 48 hours of the occurrence of any the following:  
(a) Any change to your name or address (including your registered address and activity site as applicable);  
(b) You become, or are likely to become, an insolvent under administration;  
(c) You become, or are likely to become, an externally administered company under the Corporations Act; or  
(d) A change to an officer (as defined in the Act).  
You must update your information in the EPA Interaction Portal if any other relevant administrative details for your business change.

OL\_G04a You must provide to the Authority with a Permission Information and Performance Statement (PIPS) in the form determined by the Authority within 2 months of receiving notification in writing from the Authority. The PIPS may be released to the public (in whole or in part).

OL\_G04b Information and monitoring records used for the preparation of, inclusion in, or support of, any reporting or notification that is required of you by the Authority (including data reporting, performance reporting, documents evidencing any risk and monitoring program) must be:  
a) retained for five years; and  
b) made available to the Authority on request.

OL\_G05 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 achieved;

Licence number: OL000300077

# Operating licence

Environment Protection Act 2017

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- (e) identifies and describes how you will continue to eliminate or minimise the risks in 1(a) (above) so far as reasonably practicable (SFARP); 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; and
- (c) made available to the Authority on request.

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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 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
- (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.

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OL\_G07

## Standard conditions

OL\_WM14

All plant and equipment must be maintained and operated in proper working condition, in accordance with the manufacturer's specifications.

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## Specific conditions

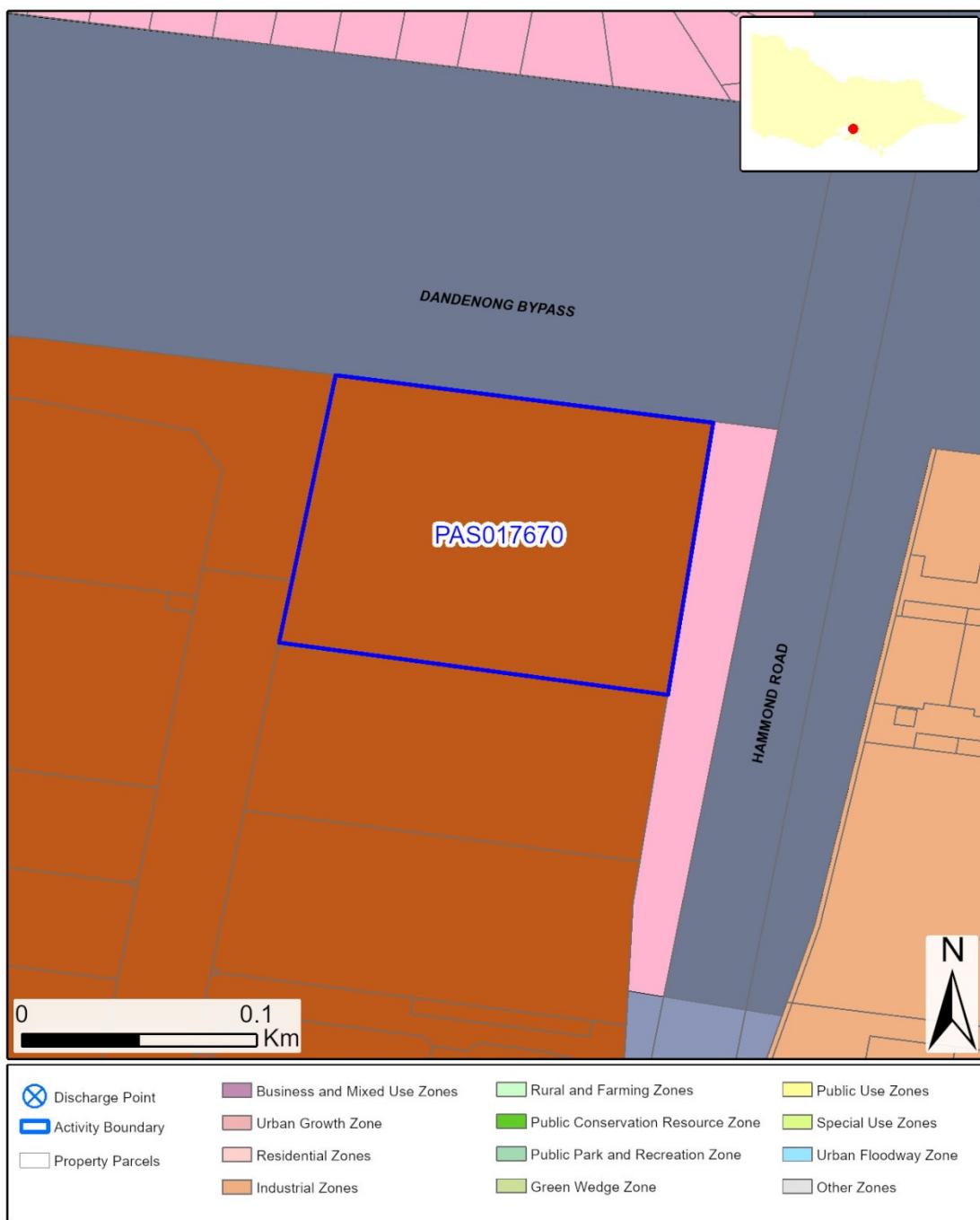
*There are no specific conditions for this licence.*

# Operating licence

Environment Protection Act 2017

## 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.

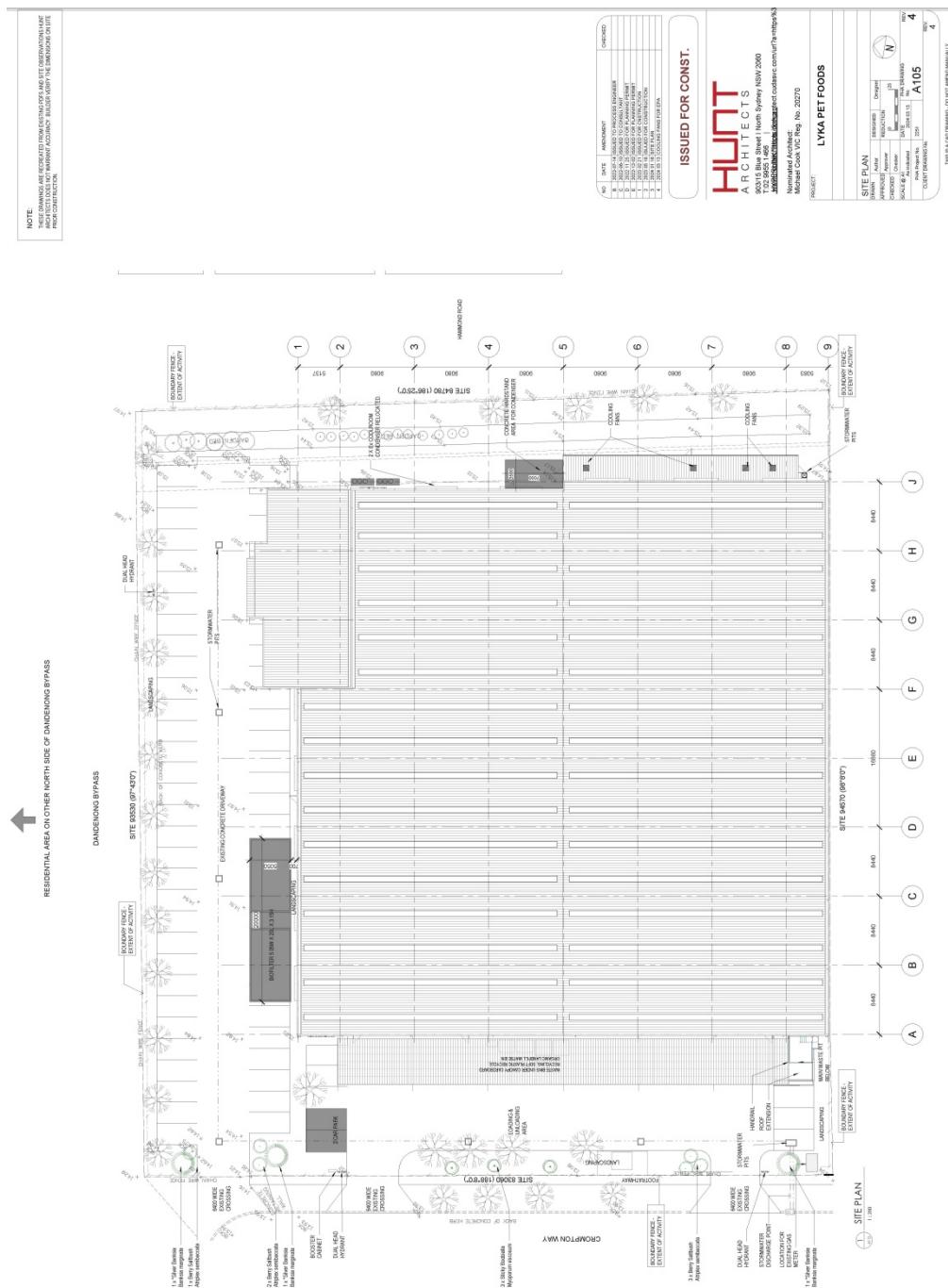
Licence number: OL000300077

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## Operating licence

*Environment Protection Act 2017*

## **Appendix 2 – activity 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.

OL000300077

# Operating licence

Environment Protection Act 2017

## Appendix 3 – contour plan

*There is no contour plan for this licence.*

Licence number: OL000300077

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# Operating licence

*Environment Protection Act 2017*

## **Appendix 4 - waste acceptance table**

*There is no waste acceptance for this licence.*

Licence number: OL000300077

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# Operating licence

*Environment Protection Act 2017*

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

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

Licence number: OL000300077

Page 12

# Operating licence

*Environment Protection Act 2017*

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

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

Licence number: OL000300077

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# Operating licence

Environment Protection Act 2017

## Appendix 7 – landfill cells

*There are no landfill cells for this licence.*



## APPENDIX B. RISK ASSESSMENT

**Environmental Risk Assessment (ERA)**  
**LYKA**

Date of Assessment: 5/10/2022

ACTIVITY BEING UNDERTAKEN	RISK TO ENVIRONMENT	PRE-CONTROL RISK			MITIGATION AND MANAGEMENT CONTROLS	POST-CONTROL RISK		
		CONSEQUENCE	LIKELIHOOD	RISK RATING		CONSEQUENCE	LIKELIHOOD	RISK RATING
<b>Noise and Vibration</b>								
General operation of the facility – internal noise sources (mix of mechanical plant and activity noise)	Noise disturbance to neighbouring industry and / or residential properties	Min.	Pos.	8 M	Noise assessment demonstrates compliance with noise protocol limit and low risk to nearest sensitive receivers (100 m away) Dandenong bypass adjacent the site (b/w site and receivers) results in high noise limit for NSRs Site is within and surrounded by Industrial zoned land. Majority of plant is contained within the building 'Building within a building' design standard with the manufacturing/ production rooms within metal lined sandwich panel walls and ceilings (the external building shell will form a secondary envelope). Risk Management and Monitoring Plan (RMMP) to include measures to manage noise.	Min.	Rare	3 L
External noise sources – General mechanical plant and equipment; truck and vehicle movements including loading / unloading raw material, product and waste	Disturbance to neighbouring industry and / or residential properties	Min.	Pos.	8 M	Noise assessment demonstrates compliance with noise protocol limit and low risk to nearest sensitive receivers (100 m away) Dandenong bypass adjacent the site (b/w site and receivers) results in high noise limit for NSRs Site is within and surrounded by Industrial zoned land. Some external plant within a louvered plant room Truck delivery and offloading times from 6am – 6pm Unloading in receivals area which is inside building Trucks to operate at low speeds on site Loading / unloading occurs via forklift (no materials / bins etc dropped from height). Risk Management and Monitoring Plan (RMMP) to include measures to manage noise.	Min.	Rare	3 L

# Environmental Risk Assessment (ERA)

## LYKA

Date of Assessment: 5/10/2022

ACTIVITY BEING UNDERTAKEN	RISK TO ENVIRONMENT	PRE-CONTROL RISK			MITIGATION AND MANAGEMENT CONTROLS	POST-CONTROL RISK		
		CONSEQUENCE	LIKELIHOOD	RISK RATING		CONSEQUENCE	LIKELIHOOD	RISK RATING
Mobile machinery operations (e.g. forklift)	Disturbance to neighbouring industry and / or residential properties	Min.	U.Li.	5 L	Noise assessment demonstrates compliance with noise protocol limit and low risk to nearest sensitive receivers (100 m away) Dandenong bypass adjacent the site (b/w site and receivers) results in high noise limit for NSRs Site is within and surrounded by Industrial zoned land. Majority of mobile machinery operations occur inside buildings Mobile machinery (e.g. forklift) will be electric (low noise) Risk Management and Monitoring Plan (RMMP) to include measures to manage noise.	Min.	Rare	3 L
<b>Air Quality</b>								
<b>N.B.: <u>Odour</u> from the site is assessed in a separate Odour Risk Assessment</b>								
Gas powered boiler (for steam cook tunnel and quinoa cooker)	Exhaust emissions (e.g. NO <sub>x</sub> ) to atmosphere resulting in significant human health or environmental impact	Min.	U.Li.	5 L	Low emissions from the 1MW boiler Emissions from stack at 10 m high (1 m above roof line) will further reduce emission concentration at ground level Regular inspection / maintenance of boilers.	Min.	Rare	3 L
Gas powered hot water units for washdown	Exhaust emissions (e.g. NO <sub>x</sub> ) to atmosphere resulting in significant human health or environmental impact	Ins.	U.Li.	2 L	Negligible emissions from small hot water units (instantaneous Rinnai gas hot water units) Regular inspection / maintenance	Ins.	Rare	1 L
Refrigeration	Emission of hydrofluorocarbons / ammonia and subsequent significant human health and environment impact	Ins.	U.Li.	2 L	Low emissions Refrigeration plant used to supply cooling to the production line freezer and a portion of production room and additional process cooling will be ammonia refrigeration (low ozone depletion and global warming potential) Refrigeration equipment will be maintained and operated in accordance with manufacturers specifications	Ins.	Rare	1 L
Exhaust air extracted from the cooking and cooling tunnel including G10 room air, bin washer exhaust and wastewater treatment DAF	Emissions to atmosphere resulting in significant human health or environmental impact	Ins.	Rare	1 L	No significant emissions apart from cooking /cooler. [As above; odour risks associated with this emission stream are addressed in the standalone odour risk assessment]	Ins.	Rare	1 L
<b>Surface / Storm Water</b>								
Receival, storage and handling of hazardous chemicals (e.g. for waste water treatment and cleaning)	Spills and leaks of hazardous chemicals leading to offsite stormwater contamination	Min.	Pos.	8 M	Very small volumes of hazardous chemicals to be used / stored on site Hazardous chemicals to be stored in dedicated room with appropriate bunding RMMP will detail hazardous chemical management protocols and spill prevention and response procedures	Min.	Rare	3 L

# Environmental Risk Assessment (ERA)

## LYKA

Date of Assessment: 5/10/2022

ACTIVITY BEING UNDERTAKEN	RISK TO ENVIRONMENT	PRE-CONTROL RISK			MITIGATION AND MANAGEMENT CONTROLS	POST-CONTROL RISK		
		CONSEQUENCE	LIKELIHOOD	RISK RATING		CONSEQUENCE	LIKELIHOOD	RISK RATING
Wastewater treatment / disposal for process waste water, cooling tower bleed and boiler blowdown.	Non-compliant discharge of wastewater offsite	Sig.	Pos.	13 M	<p>Wastewater treatment plant to be designed and installed to meet compliance with trade waste agreement. Treated waste water discharged to trade waste system.</p> <p>RMMP to detail:</p> <p>Wastewater treatment plan monitoring and maintenance to ensure compliance.</p> <p>Treated wastewater monitoring to confirm compliant discharge.</p>	Sig.	Rare	6 L
Mobile / stationary machinery operation	Hydrocarbon (fuel / oil) leaks resulting in offsite stormwater impacts	Sig.	Pos.	13 M	<p>Spill prevention and response procedure to be included in site Risk Management and Monitoring Plan (RMMP)</p> <p>Spill kits on site to contain and clean any spills and leaks from plant and equipment</p> <p>Maintenance of plant and machinery, prestart inspections</p> <p>Majority of plant and machinery are electric (no diesel / petrol spill risk)</p>	Sig.	Rare	6 L
<b>Waste and Resource Management</b>								
Solid waste generation; including: - packaging waste from de-packaging (including food contaminated plastic paper) and packaging & fulfilment stages - food waste (from fines removal after crushing and metal detection rejects) - coarse solid wastes and sludge from WWTP - oil and fat residual from cooking process	Excessive waste generation Excessive waste accumulation resulting in odours, amenity issues and waste dispersing to the surrounding environment Non-compliance with waste disposal methods and waste regulations and duties.	Sig.	Pos.	13 M	<p>Daily solid waste and waste oil collection to minimise waste accumulation.</p> <p>Very small volumes of food waste (process utilises the entirety of vegetables and virtually all the meat brought to site)</p> <p>The waste hierarchy (Avoid, Reduce, Reuse, Recycle) is implemented to minimise waste to landfill; e.g.:</p> <ul style="list-style-type: none"> <li>Only recyclable and biodegradable materials for all packaging.</li> <li>Biodegradable single-use plastics in the production facility (e.g., pallet wrap, food wrap, gloves, bin liners, etc.).</li> <li>Where single-use plastic is used this is offset by sponsoring ocean trash collection projects</li> <li>Oil and fat waste stream to 3rd party for recycling (sap products)</li> <li>Waste streams are identified, segregated and stored within appropriate bins.</li> <li>Bins in dedicated area with lids.</li> <li>Reliable waste management contractor, or backup contractor available.</li> </ul>	Sig.	Rare	6 L
Waste generated from maintenance activities on site	Non-compliance with waste disposal methods and waste regulations and duties.	Min.	Pos.	8 M	Oily rags and filters placed in dedicated priority waste areas, EPA accredited agents used for off-site waste disposal.	Min.	Rare	3 L
Waste generated from leaks and spills	Reportable priority waste not taken from site in accordance with EPA transport and disposal requirements.	Min.	U.Li.	5 L	Waste bin used for oily waste separated and contained as reportable priority waste etc , all waste disposed of from site by a licenced contractor, waste tracking certificates (waste tracker) completed for all disposal of reportable priority waste	Min.	Rare	3 L

**Environmental Risk Assessment (ERA)**  
**LYKA**

Date of Assessment: 5/10/2022

ACTIVITY BEING UNDERTAKEN	RISK TO ENVIRONMENT	PRE-CONTROL RISK			MITIGATION AND MANAGEMENT CONTROLS			POST-CONTROL RISK		
		CONSEQUENCE	LIKELIHOOD	RISK RATING				CONSEQUENCE	LIKELIHOOD	RISK RATING
Water and Electricity usage	Excessive electricity and potable water usage	Min.	U.Li.	5 L	Various strategies to reduce water and power consumption (and /or reduce impact) including offsetting, solar power installation, water saving measures and supply chain selection.			Min.	Rare	3 L
<b>Community</b>										
General operation of plant	Creating a nuisance/amenity impact to neighbouring properties	Min.	Pos.	8 M	All community complaints to be immediately followed up with complainant and investigated, business to consider participation in community meetings/activities as they are presented. Site to maintain appropriate visual amenity standards.			Min.	U.Li.	5 L
Trucks entering and exiting site	Creating a nuisance/amenity impact to neighbouring properties	Sig.	U.Li.	9 M	Complaints immediately investigated to identify root cause. No truck movements on site during night-time hours (Truck delivery and offloading times from 6am – 6pm) The site is within an industrial zone and accessed via a major highway.			Sig.	Rare	6 L
<b>Fire and Emergency</b>										
Response to Fire and Emergency	Inadequate planning and response to fire / emergency resulting in significant impact to human health and /or environment	Sig.	U.Li.	9 M	Emergency Management Plan, including fire prevention and response procedures, in place for the site. Include training and drills for fire response. Training to include use of site fire response systems (hoses / extinguishers etc)			Sig.	Rare	6 L
Packing material storage	Excessive packaging storage increasing risk of offsite impacts in event of fire	Sig.	U.Li.	9 M	No excessive amounts of packaging material stored on site. Fire control systems including sprinklers and hoses on site considers packaging storage area as a fuel source. No ignition sources near packing storage.			Sig.	Rare	6 L
Waste packaging	Excessive stockpiling of waste including combustibles (e.g. waste plastic and paper)	Min.	Pos.	8 M	Daily removal of waste including combustible. Separation of waste areas from ignition sources. Appropriate fire response systems in place as above			Min.	U.Li.	5 L
Ammonia refrigeration system	Ammonia leaks leading to fire / explosion	Sig.	U.Li.	9 M	Compressor package systems to be housed in a weather proof enclosure with a separate enclosed switchroom for all control and starter gear, Enclosure to be fitted with the required ventilation, leak detection, safety lighting and safety equipment. Emergency response plan. Notification re manifest quantities to FRV			Sig.	Rare	6 L
<b>Land and Groundwater Management</b>										

**Environmental Risk Assessment (ERA)**  
**LYKA**

Date of Assessment: 5/10/2022

ACTIVITY BEING UNDERTAKEN	RISK TO ENVIRONMENT	PRE-CONTROL RISK			MITIGATION AND MANAGEMENT CONTROLS	POST-CONTROL RISK		
		CONSEQUENCE	LIKELIHOOD	RISK RATING		CONSEQUENCE	LIKELIHOOD	RISK RATING
Storage, handling and use of raw materials, fuels, oils and chemicals	Contamination of soil and/or groundwater	Min.	U.Li.	5 L	<p>The entire site is concrete sealed.</p> <p>Minimal volumes of hazardous fuels and chemicals stored or used on site.</p> <p>Spill prevention and response procedure to be included in site Risk Management and Monitoring Plan (RMMP) incorporating relevant management measures as per:</p> <ul style="list-style-type: none"> <li>EPA Publication 978: Reducing Stormwater Pollution – A guide for Industry (May 2005)</li> <li>EPA Publication 1698: Liquid storage and handling guidelines (June 2018)</li> <li>EPA Publication 1730: Solid storage and handling guidelines (July 2019)</li> <li>EPA Publication 1991: Responding to harm caused by pollution (June 2021)</li> </ul>	Min.	Rare	3 L



## APPENDIX C. ACOUSTIC REPORT (ENFIELD)



# 32 CROMPTON WAY, DANDENONG SOUTH

## Acoustic Report for 24-hour Production

For

LYKA PET FOODS C/- SUSTAINABLE PROJECT MANAGEMENT

DOC. REF: V1195-08-P ACOUSTIC REPORT (R0)  
23 AUGUST 2024



Project 32 Crompton Way, Dandenong South  
Subject Acoustic Report  
Client Lyka Pet Foods c/- Sustainable Project Management  
Document Reference V1195-08-P Acoustic Report for 24-hour Production (r0).docx  
Date of Issue 23 August 2024

*Disclaimer:*

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*The information contained within this document should not be relied upon by any third parties or applied under any context other than that described within this document. Advice provided in this document is done so with respect to instructions, on the basis of information supplied to Enfield Acoustics Pty Ltd at the time of writing, and in accordance with any reasonable assumptions, estimations, modelling and engineering calculations that we have been required to undertake. Enfield Acoustics Pty Ltd do not represent, warrant or guarantee that the use of guidance in the report will lead to any certified outcome or result, including any data relied on by third parties.*

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## 1 Introduction & Scope

Enfield Acoustics has been engaged by Lyka Pet Foods (Applicant) c/- Sustainable Project Management to assess potential noise impacts from the permitted factory use at 32 Crompton Way, Dandenong South (Subject Land).

This acoustic assessment has been written in support the Applicant's proposal to operate with an extension of hours. The Applicant seeks to operate their production line 24-hours, however the external extraction fans (refer document V1195-07-P, appended at the end of this document) are still only proposed to operate between 7am and 10pm (i.e. avoiding the sensitive 'night' hours).

It is noted that past assessments of the production line have previously been conducted by our office. Our conclusion was that any internal noise emissions from the production line were inaudible and not measurable outside the of Subject Land building.

Refer to Section 4 of V1195-07-P for further information on this assessment.

In support of the proposal to increase hours of use, our office has conducted additional assessments to solidify our previous findings and confirm that 24-hour production can occur without resulting in either:

- Adverse noise impacts and non-compliance with the Noise Protocol.
- Any net change to the acoustic environment at sensitive interfaces.

## 2 Policy

### 2.1 Noise Limits

Noise limits previously identified in the Noise Assessment Report (refer document V1195-05-P) are presented below:

Period	Zoning Level	Background Noise / Classification	Noise limit
<b>'Day' Period</b> 7am to 6pm (Monday to Saturday)	59 dB(A)	51 dB(A) L <sub>90</sub> 'Neutral' Background	<b>59 dB(A)</b>
<b>'Evening' Period</b> 6pm to 10pm (Monday to Saturday) 7am to 10pm (Sundays)	52 dB(A)	48 dB(A) L <sub>90</sub> 'Neutral' Background	<b>52 dB(A)</b>
<b>'Night' Period</b> 10pm to 7am (All days)	47 dB(A)	43 dB(A) L <sub>90</sub> 'Neutral' Background	<b>47 dB(A)</b>

## 2.2 General Environmental Duty (GED)

Under the *Environment Protection Act 2017* (EP Act), any industry is required to fulfill their *General Environmental Duty* (GED). In effect, the GED requires that environmental impacts and the risk of harm are minimised by reasonable and practicable means, however, the GED does not set out prescriptive or objective targets.

Under the GED, commercial and industrial premises are required to have reasonable knowledge about the risks the proposed activities posed. Ultimately, on-going compliance with the GED requires operators to take reasonable, proactive steps and employ good environmental work practices.

## 2.3 Low Frequency Noise (LFN)

Regulation 120 of the EP Regulations includes frequency spectrum as a prescribed factor when assessing noise from commercial, industrial and trade premises. The frequency spectrum from 10Hz to 160Hz is used to assess whether low frequency noise (LFN) might be an unreasonable impact under the EP Act.

The following LFN thresholds are prescribed by Publication 1996:

**Table 3: Outdoor one-third octave low frequency noise threshold levels from 10 Hz to 160 Hz**

Outdoor one-third octave low frequency noise threshold levels													
One-third Octave (Hz)	10	12.5	16	20	25	31.5	40	50	63	80	100	125	160
L <sub>eq</sub> (dB)	92	89	86	77	69	61	54	50	50	48	48	46	44

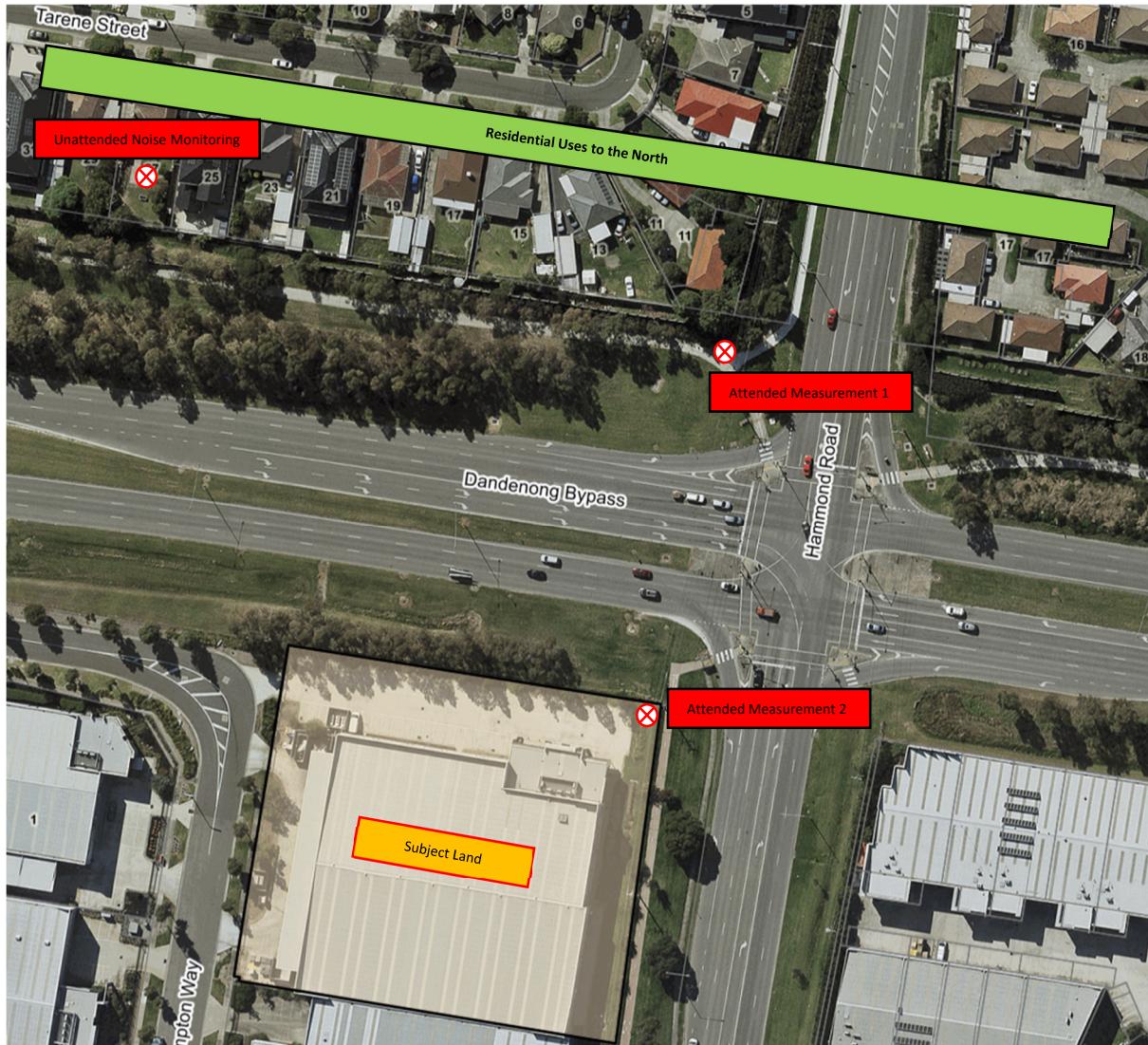
## 3 Assessment

### 3.1 Results and Discussion

Enfield Acoustics visited the Subject Land and surrounding area on two occasions, as follows:

- 7 August 2024 to install an unattended noise monitor (at 27 Tarene Street) and conduct attended noise monitoring
- 15 August to retrieve the unattended noise monitor and conduct attended noise monitoring

The objective of our assessment was to compare noise levels directly before and after production stops, to determine if there was any audible noise being emitted from production plant. The location of nearby sensitive uses and monitoring positions are presented below:



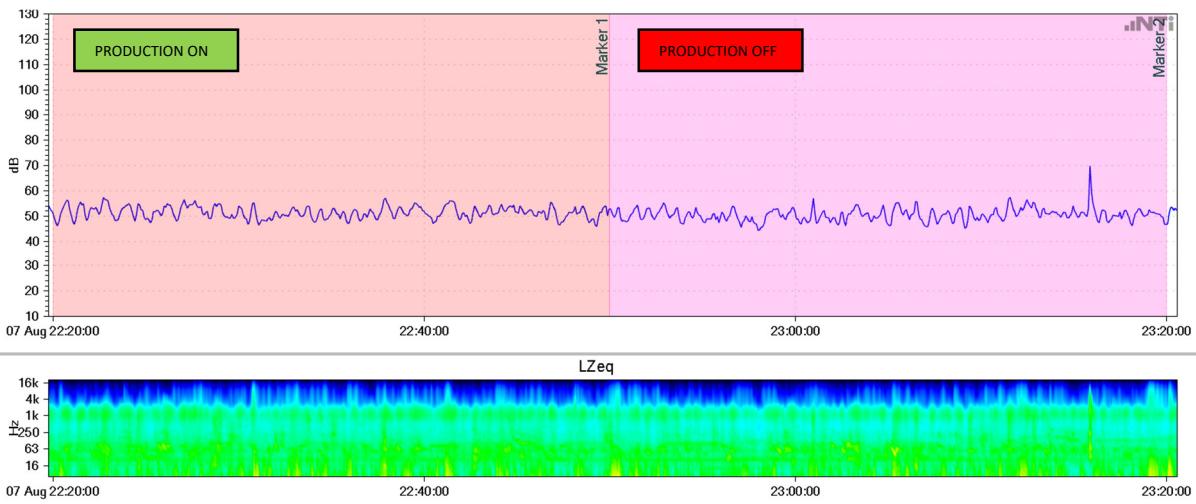
With the assistance of the factory's production managers, we confirmed the exact times when production ceased while observations were made by Enfield staff outside of the production building. This allowed us to make direct observations before and after manufacturing activities ceased to determine whether there was any noticeable change in noise levels.

Production times were also confirmed for all other days of the unattended noise monitoring campaign.

Please refer to the following measurements dates, times and levels:

### *Unattended Noise Monitoring $L_{eq-30min}$ Noise Levels*

$L_{eq-30min}$	dB(A)	10	12.5	16	20	25	31.5	40	50	63	80	100	125	160	200	250	315	400	500	630	800	1k	1.25k	1.6k	2k	2.5k	3.15k	4k	5k	6.3k	8k
7 August, 2024																															
Manufacturing on - 10.20pm to 10.50pm	52 (A)	54	53	52	50	52	50	50	51	51	51	48	45	44	43	42	41	40	41	42	44	46	44	42	39	35	32	29	27	26	24
Manufacturing off - 10.50pm to 11.20pm	52 (A)	55	53	52	50	52	51	50	53	50	48	45	43	44	43	40	39	40	41	43	45	44	42	40	37	38	34	31	28	25	
8 August, 2024																															
Manufacturing on - 5.30pm to 6.00pm	64 (A)	59	58	57	56	57	57	56	58	58	58	53	51	48	48	48	50	62	62	55	56	55	54	51	46	41	41	40	37	34	32
Manufacturing off - 6.00pm to 6.30pm	64 (A)	57	56	56	54	56	56	54	59	58	58	54	50	50	47	48	52	63	60	55	59	54	52	47	43	39	36	33	33	32	29
9 August, 2024 to 11 August, 2024																															
Manufacturing lines not operating																															
12 August, 2024																															
Manufacturing on - 9.30pm to 10.00pm	57 (A)	46	50	53	50	52	51	52	55	56	54	48	45	44	44	44	44	49	51	50	49	50	50	46	43	40	36	35	33	29	27
Manufacturing off - 10.00pm to 10.30pm	57 (A)	46	50	52	51	52	51	51	55	55	53	49	46	45	44	44	48	54	48	48	50	49	48	45	41	36	32	27	26	24	20
13 August, 2024																															
Manufacturing on - 10.30pm to 11.00pm	52 (A)	58	56	56	53	52	51	50	52	54	52	48	45	45	46	44	43	42	41	42	44	45	44	42	40	39	36	35	34	32	30
Manufacturing off - 11.00pm to 11.30pm	51 (A)	57	56	55	53	52	54	51	51	53	51	48	43	42	42	40	39	39	40	43	45	43	41	38	35	34	32	31	30	28	
14 August, 2024																															
Manufacturing on - 11.30pm to 12.00am	50 (A)	55	54	53	51	51	49	49	53	53	52	50	45	41	42	43	41	39	39	40	42	43	42	40	37	33	31	30	28	27	25
Manufacturing off - 12.00am to 12.30am	51 (A)	54	54	53	54	59	58	47	52	54	51	49	45	43	45	45	45	44	44	44	42	40	36	33	31	29	27	26	24		

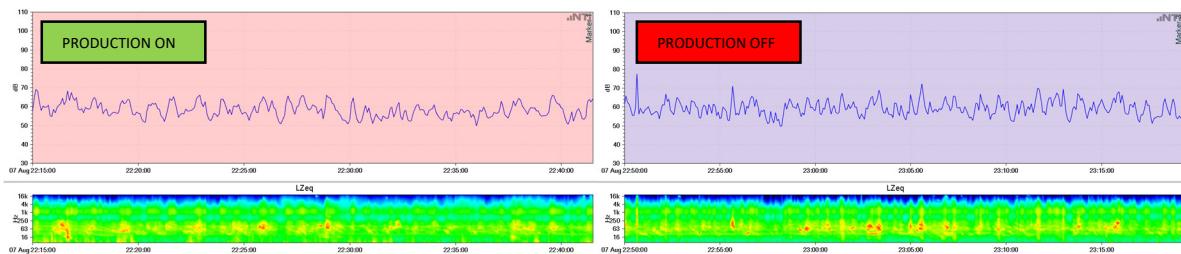


Based on the results of the unattended noise monitoring, we provide the following commentary:

- There were no audible noise emissions from Lyka production plant upon review of the audio recordings at the logging position and that noise emissions were dominated by road traffic before and after production ceased
- It is evident that there is no material change in noise levels directly before and after production ceases
- There were no obvious tonal or machinery character noise emissions in the spectrogram (sample shown above), suggesting that plant noise emissions were not present in the measurement

### Attended Noise Monitoring $L_{eq-30min}$ Noise Levels

$L_{eq-30min}$	dB(A)	10	12.5	16	20	25	31.5	40	50	63	80	100	125	160	200	250	315	400	500	630	800	1k	1.25k	1.6k	2k	2.5k	3.15k	4k	5k	6.3k	8k
<b>Attended Measurement 1 - 7 August, 2024</b>																															
Manufacturing on - 10 15pm to 10 45pm	60 (A)	54	54	55	53	55	57	59	59	61	62	62	60	58	55	52	46	44	45	47	51	53	53	52	49	44	41	38	35	32	30
Manufacturing off - 10 50pm to 11 20pm	62 (A)	45	48	49	51	58	58	57	62	63	63	62	61	59	57	55	52	50	50	51	52	54	53	52	50	46	42	40	40	36	34
<b>Attended Measurement 2 - 15 August 2024</b>																															
Manufacturing on - 10 10pm to 10 40pm	64 (A)	41	46	59	56	63	57	57	60	65	70	67	62	63	60	52	52	52	51	51	54	55	55	54	53	51	48	45	41	38	34
Manufacturing off - 10 40pm to 11 10pm	65 (A)	46	53	52	53	57	60	61	62	61	69	65	76	61	54	51	50	52	51	52	56	56	55	54	50	47	45	42	39	37	33



Based on the results of the attended noise monitoring, we provide the following commentary:

- Consistent with our previous assessments, noise emissions from internal manufacturing lines were inaudible outside the building during direct attended observations
- There is no material change in noise levels before and after production ceases
- Noise levels at observation locations were still driven by ambient road traffic noise
- There were no obvious tonal or machinery character noise emissions in the spectrogram (sample shown above), suggesting that plant noise emissions were not present in the measurement

Based on our observations on site and results of our measurements, the Subject Land use would comply with the Noise Protocol noise limits at all surrounding sensitive uses, even if production were to occur 24-hours.

Our observations and noise measurements, including those previous made under the original licence application, have shown that noise levels at the residential interface do not materially change during later hours of the night due to constant road traffic, meaning noise from production would still be expected to be inaudible during the quietest hour of the night.

Further, measurements of the biofilter on the north façade, if extrapolated under conservative assumptions, would be in the order of 25dB(A)  $L_{eq}$  at sensitive uses (see Section 4 of V1195-07-P for further information).

Overall, there is sufficient evidence in our view that noise emissions from production activities do not result in material noise emissions outside the factory.

## 3.2 Low Frequency Noise

With respect to low frequency noise impacts, we do not consider this to be a material concern given that:

- LFN 1/3 octave band levels do not materially change before and after production ceases, meaning that LFN levels are driven by road traffic noise
- LFN noise levels from traffic are already exceeding the thresholds (generally >50Hz)

On this basis, we are satisfied that production can occur 24-hours without resulting in adverse LFN noise impacts.

## 3.3 General Environmental Duty

Under the Environment Protection Act 2017, any industry is required to fulfil its General Environmental Duty (GED). In effect, the GED requires that environmental impacts are minimised if considered reasonable and practicable to do so.

Guidance on what is reasonably practicable is also provided in EPA Publication 1856, which requires the consideration of six factors (see below).

Item	Commentary
<b>Eliminate First</b>	24-hour production is required to meet demand and cannot be eliminated.
<b>Likelihood</b>	The likelihood of harm occurring is nil given that noise emissions are expected to be inaudible at all times.
<b>Degree</b>	The degree of harm is nil given that noise emissions are expected to be inaudible at all times.
<b>Knowledge About the Risks</b>	Our assessment is based on several measurements of the factory already in operation.  Both attended and unattended (previous and current) measurements conducted all demonstrate the same assessment outcomes.  Based on empirical testing, the actual noise emissions and risks have been well established.
<b>Availability and Suitability</b>	No further controls are required given that the risk of harm is nil.
<b>Cost</b>	Any cost for additional engineering is not considered to be proportional to the risk of harm in this case.

Overall, we are satisfied that 24-hour production will not require additional mitigation in satisfying the GED on the basis that noise emissions are inaudible at sensitive use interfaces.

## 4 Conclusion

Enfield Acoustics has assessed potential noise impacts from the the proposal to conduct 24-hour manufacturing at 32 Crompton Way, Dandenong South and we are satisfied that 24-hour production can be supported.

While previous assessments already demonstrated that noise emissions from the factory are inaudible at sensitive uses (due to high ambient traffic noise), further attended and long-term noise monitoring surveys were conducted which confirms that:

- There is no material change in noise levels directly before and after production ceases
- Noise emissions are inaudible outside the building and at sensitive use interfaces

Given the above, we are also satisfied that there will be no adverse LFN noise impacts.



## Appendix A: V1195-07-P Supplementary Noise Assessment



# 32 CROMPTON WAY, DANDENONG SOUTH

## Acoustic Report

For

LYKA PET FOODS C/- SUSTAINABLE PROJECT MANAGEMENT

DOC. REF: V1195-07-P SUPPLEMENTARY NOISE ASSESSMENT (R0)  
31 MAY 2024



Project	32 Crompton Way, Dandenong South
Subject	Supplementary Noise Assessment
Client	Lyka Pet Foods c/- Sustainable Project Management
Document Reference	V1195-07-P Supplementary Noise Assessment (r0).docx
Date of Issue	30 May 2024

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## 1 Introduction & Scope

Lyka Pet Foods has recently carried out works to ventilation fans installed above a plantroom shed along the east facade of 32 Crompton Way, Dandenong South (Subject Land). During commissioning of plant operation, it was previously identified that the fans installed would not comply with noise limits at residential interfaces to the north, on the opposite side of the Dandenong Bypass, particularly if fans were required to run overnight.

Enfield Acoustics has been engaged to measure the noise levels after the works were carried out, which included the replacement of the fan motors to allow the fans to operate at a reduced speed, approximately 1000rpm.

This report provides the results of our post-mitigation site inspections, including recent measurements carried out following discussions with the EPA to:

- Provide an abundance of evidence that the noise emissions are not resulting in adverse impacts; and
- That the risk of harm does not warrant further controls.

In addition to the assessment of the extraction fans, this report contains supplementary information as requested by the EPA, including:

- Additional commentary on the General Environmental Duty
- Additional assessments and noise measurements on the north façade of the Lyka facility, including the bio-filter

**Note that the acoustic report V1195-06-P dated 15 December 2023 is no longer relevant and is superseded by this document.**

**This document is otherwise supplementary to the original Noise Assessment Report (V1195-05-P dated 29 October 2023 – see Appendix A)**

## 2 Extraction Fan Assessment (East Façade)

### 2.1 Noise Limits

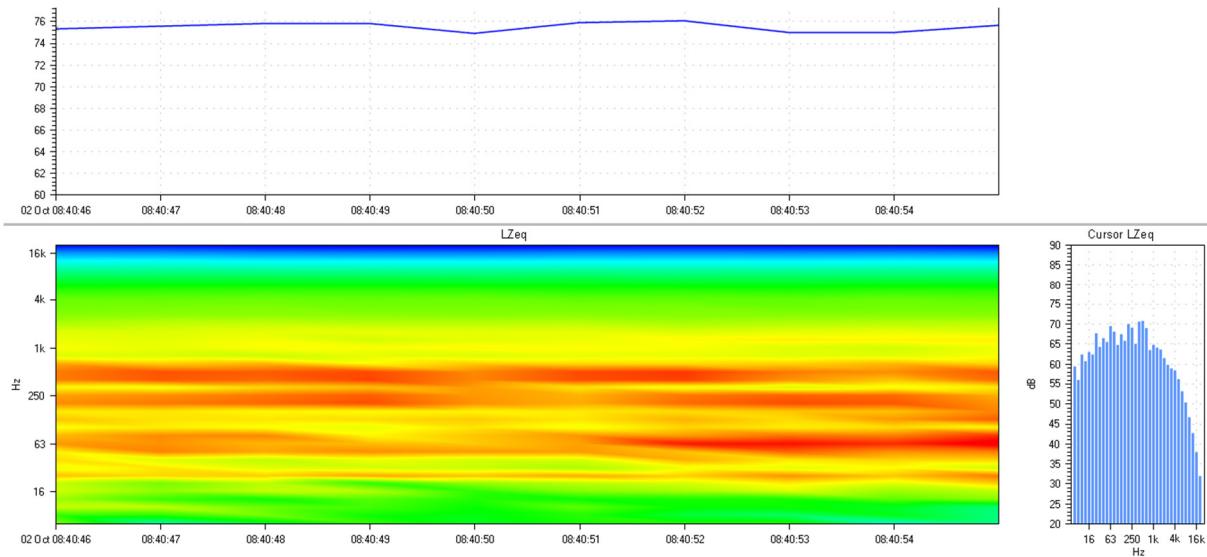
Noise limits previously identified in the Noise Assessment Report are presented below:

Period	Zoning Level	Background Noise / Classification	Noise limit
<b>'Day' Period</b> 7am to 6pm (Monday to Saturday)	59 dB(A)	51 dB(A) L <sub>90</sub> 'Neutral' Background	<b>59 dB(A)</b>
<b>'Evening' Period</b> 6pm to 10pm (Monday to Saturday) 7am to 10pm (Sundays)	52 dB(A)	48 dB(A) L <sub>90</sub> 'Neutral' Background	<b>52 dB(A)</b>
<b>'Night' Period</b> 10pm to 7am (All days)	47 dB(A)	43 dB(A) L <sub>90</sub> 'Neutral' Background	<b>47 dB(A)</b>

### 2.2 Unmitigated Extraction Fan Noise Levels

Noise measurements of the unmitigated extraction fans were conducted on 2 October 2023 as part of our wet commissioning measurements. The following noise levels were measured:

Item	Measured Noise Level, L <sub>eq</sub>
Measurement approximately 5m from eastern plant shed	76 dB(A)
Modelled noise level at nearest sensitive receptor	51 dB(A)
Compliance?	'Day' and 'Evening' only



*Unmitigated Fan Measurement (5m from shed) , y-axis in dB(A), spectrum in dB(Z)*

The results above are presented to demonstrate that the mitigation installed by the Operator has been effective (discussed later).

## 2.3 Mitigated Extraction Fan Noise Levels

Our office visited the Subject Land to conduct noise measurements of the mitigated fans at sensitive use interfaces on 14 December 2023 at approximately 3am, however note that the extraction fans were not accurately measurable above ambient traffic noise. Our office previously measured a level of approximately 47dB(A)  $L_{eq}$  at sensitive use interfaces, however it was noted in our previous report that the measurement included some contribution from ambient background noise (distant traffic noise), which was approximately 45dB(A)  $L_{90}$ .

After discussions with the EPA, additional noise measurements at close-range were conducted at approximately 10.30am on 24 May 2024 to provide further evidence on the level of noise emission from extraction fans, in an effort to demonstrate that the risk of impact is reasonably low. The noise levels measured were used to calibrate a 3D noise model (CadnaA) to predict noise impacts at the nearest sensitive receptors.

Noise measurements were conducted at the following locations:

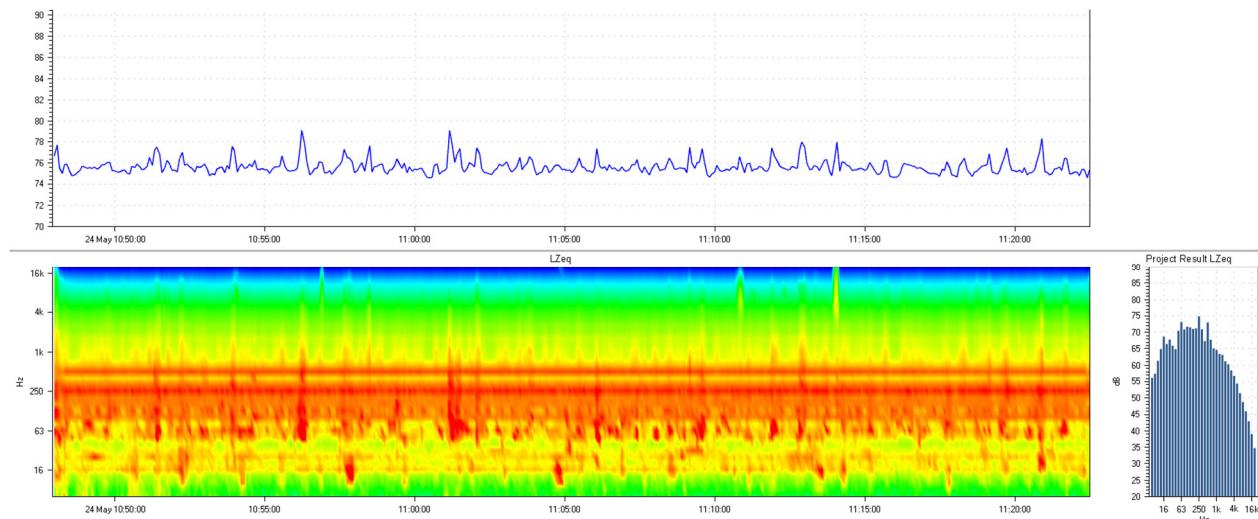
- On roof level approximately 3m from an exhaust fan to determine fan discharge noise levels
- On ground level 5m from the plant shed to determine inlet noise emission through the louvred facade



It was noted that noise from the extraction fans were clearly dominant above all other mechanical plant noise emissons at both locations. The four extraction fans were also observed to emit the same noise level, which is expected given that they are identical and have been set at the same, constant operating speeds. All four extraction fans were included in the noise model.

The results of our noise measurements are summarised below (octave band levels are unweighted):

Leq-30min	Distance	dB(A)	10	12.5	16	20	25	31.5	40	50	63	80	100	125	160	200	250	315	400	500	630	800	1k	1.25k	1.6k	2k	2.5k	3.15k	4k	5k	6.3k	8k
Roof Measurements	3m	75.8 (A)	61.1	64.7	68.4	66.2	67.6	65.7	64.7	70.3	72.9	70.7	71.5	71.2	70.8	71.0	74.6	70.7	67.1	72.8	67.5	64.9	64.4	63.2	62.9	61.0	60.1	58.2	56.5	54.2	51.3	48.5
Ground Level Measurement	5m	67.9 (A)	52.5	52.1	55.0	58.5	61.6	60.2	61.4	62.6	64.8	64.0	66.9	64.6	62.6	62.6	65.7	61.2	60.2	57.8	56.8	57.6	57.5	56.9	55.9	54.2	51.7	49.0	45.6	43.3	41.2	



*Roof Measurement, y-axis in dB(A), spectrum in dB(Z)*



*Ground Level Measurement, y-axis in dB(A), spectrum in dB(Z)*

Based on our observations on site, fan noise emissions was observed to be at a constant level over a 30-minute period, noting that any fluctuations / peaks observed in measured noise levels above are due to traffic noise passbys. This highlights why both the inlet and discharge areas of the extraction fan plant could not be captured as a single point source, as local traffic conditions along the east boundary begins to contaminate the measurements at greater distances (beyond approximately 5m from the plant area). To be conservative however, our assessment will assume the  $L_{eq-30min}$  noise level measured over the entire measurement duration, including any fluctuations from traffic.

A snapshot of the calibrated noise model, including predicted overall noise levels at identified

sensitive uses are shown below:



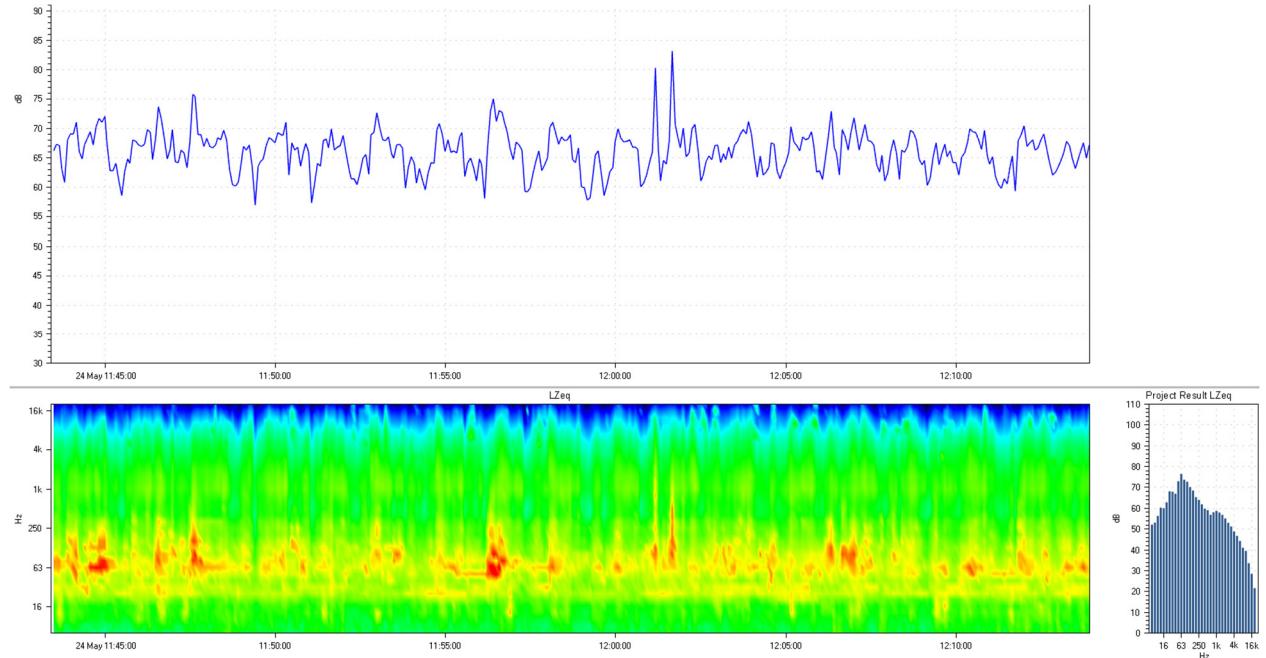
Modelled Level, L <sub>eq-30min</sub>	dB(A)	10	12.5	16	20	25	31.5	40	50	63	80	100	125	160	200	250	315	400	500	630	800	1k	1.25k	1.6k	2k	2.5k	3.15k	4k	5k	6.3k	8k	
Worst-affected sensitive use		43.0 (A)	<b>32.0</b>	<b>35.6</b>	<b>39.3</b>	<b>37.1</b>	38.5	36.6	35.6	41.2	43.8	41.6	39.8	39.5	39.1	36.3	39.9	36.0	32.9	38.6	33.4	33.2	32.9	31.8	32.4	30.2	28.8	26.2	23.3	19.1	13.2	5.8

Values below 25Hz were extrapolated based on level differences obtained from the close-range measurements as the modelling algorithm does not extend to these frequencies.

A summary of our assessment and results are provided below:

Modelled Level, L <sub>eq-30min</sub>	dB(A)	10	12.5	16	20	25	31.5	40	50	63	80	100	125	160	200	250	315	400	500	630	800	1k	1.25k	1.6k	2k	2.5k	3.15k	4k	5k	6.3k	8k	
Worst-affected sensitive use (effective noise level)		43.0 (A)	<b>32.0</b>	<b>35.6</b>	<b>39.3</b>	<b>37.1</b>	38.5	36.6	35.6	41.2	43.8	41.6	39.8	39.5	39.1	36.3	39.9	36.0	32.9	38.6	33.4	33.2	32.9	31.8	32.4	30.2	28.8	26.2	23.3	19.1	13.2	5.8
Noise Protocol Limit		59 Day 52 Evening 47 Night																														
Noise Protocol Compliance		Y																														
LFN Thresholds		92	89	86	77	69	61	54	50	50	48	48	46	44																		
LFN Compliance		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y																		

No noise character adjustments have been applied to the modelled results given that fan noise has been observed to be inaudible and masked by ambient traffic noise at the sensitive use interface. These observations are supported by the modelling, noting that ambient noise level at this interface was measured to be approximately 68dB(A) L<sub>eq-30min</sub> and 61dB(A) L<sub>90</sub> during the daytime (see below).



*Measurement at Sensitive Use Interface to the North, y-axis in dB(A), spectrum in dB(Z)*

Based on the modelled results, it follows that the extraction fans would be inaudible given the noise emission (43dBA) is 25dB below the ambient noise (68dBA). Even during the most sensitive hours of the 'night' period, ambient noise levels were also previously measured (prior to commencement) to be approximately 52dB(A) L<sub>eq</sub> and 45dB(A) L<sub>90</sub>, which is again, above the predicted noise emission from the extraction fans at the sensitive interface. This explains why our previous observations at 3am resulted in barely measurable noise at the sensitive interface.

To this end, we are satisfied that the external fans have been demonstrated to comply with both the Noise Protocol limits and LFN thresholds at all identified sensitive uses, including the following methodologies of assessment:

1. Qualitatively, the noise is inaudible at the sensitive interface during the times of operation.
2. Quantitatively, efforts to undertake direct measurements of the fan noise emission during lower ambient noise conditions resulted in a reasonable estimate of the fan noise at the sensitive interface, being <47dB(A).
3. Based on noise modelling using derived measurement locations closer to the emission source, the level predicted at the sensitive interface is 43dB(A).
4. If we were to subtract background noise from our previous measurement directly at the sensitive use interface, the measured noise level from the extraction fans would have likely been in the order of 42-45dB(A) L<sub>eq</sub>, consistent with our modelled results derived from close-range measurements.

All of the above methods are consistent in terms of outcome, clearly demonstrating that the extraction fans are below ambient noise conditions in the area and compliant with the regulated noise limits and low frequency thresholds.

While the analysis above indicates that the fans could operate 24/7 and still comply with the regulated noise limits, our instructions from Lyka are that they have committed to ensuring that the extraction fans do not operate at night. In our view, this is a reasonable step in further mitigating the risk of harm and is considered proportional given the fans are not required to operate at night.

### 3 General Environmental Duty

Under the Environment Protection Act 2017, any industry is required to fulfil its General Environmental Duty (GED). In effect, the GED requires that environmental impacts are minimised if considered reasonable and practicable to do so.

Guidance on what is reasonably practicable is also provided in EPA Publication 1856, which requires the consideration of six factors (see below).

Item	Commentary
<b>Eliminate First</b>	<p>While compliance is achieved at all times, the operator has committed to <b>turning off the extraction fans at night</b> (between 10pm to 7am), therefore eliminating the risk of noise completely during the most sensitive hours. The fans cannot be eliminated entirely, particularly during the day when cooling plant is required to operate.</p> <p>It is recommended that this requirement be reflected in the Subject Land's Site Operating License.</p> <p>Signage should also be installed near the fan switches to remind staff of this requirement.</p>
<b>Likelihood</b>	The likelihood of harm occurring is very low given that noise emissions are less than background noise during the times of operation.
<b>Degree</b>	The degree of harm is considered to be nil given that noise emissions will not occur at night and are generally inaudible during other periods.
<b>Knowledge About the Risks</b>	Our modelling relies on empirical data measured at close range, including two calibration points to ensure that all noise transmission paths are captured. No complaints have been made since the fans were controlled.
<b>Availability and Suitability</b>	While attenuators are available for fans, direct roof extraction fans are not made to have attenuators bolted directly to the discharge, without some custom modification. Installation of the attenuators would also impact on the required ventilation rates which have already been optimized by lowering the fan speeds. Additional attenuation may require the fan speeds to be raised again, therefore the net benefit may be less than expected.
<b>Cost</b>	The cost for additional engineering and installation of attenuation is not considered to be proportional to the risk of harm in this case. Additional attenuation is unlikely to result in any real benefit to sensitive receptors given the noise is already inaudible.

Overall, we are satisfied that the operator has fulfilled the GED, providing that the extraction fans are switched off between 10pm to 7am. No further mitigation and/or controls are deemed necessary on the basis of fan noise emissions being inaudible at sensitive use interfaces. While there may be some practicability to installing further attenuation to the fans (notwithstanding engineering challenges identified above), any further attenuation is not considered to be reasonable, given there would be no benefit provided to sensitive receptors, and the risk of harm in this case has essentially been identified as nil.

## 4 Additional Noise Measurements (North Façade)

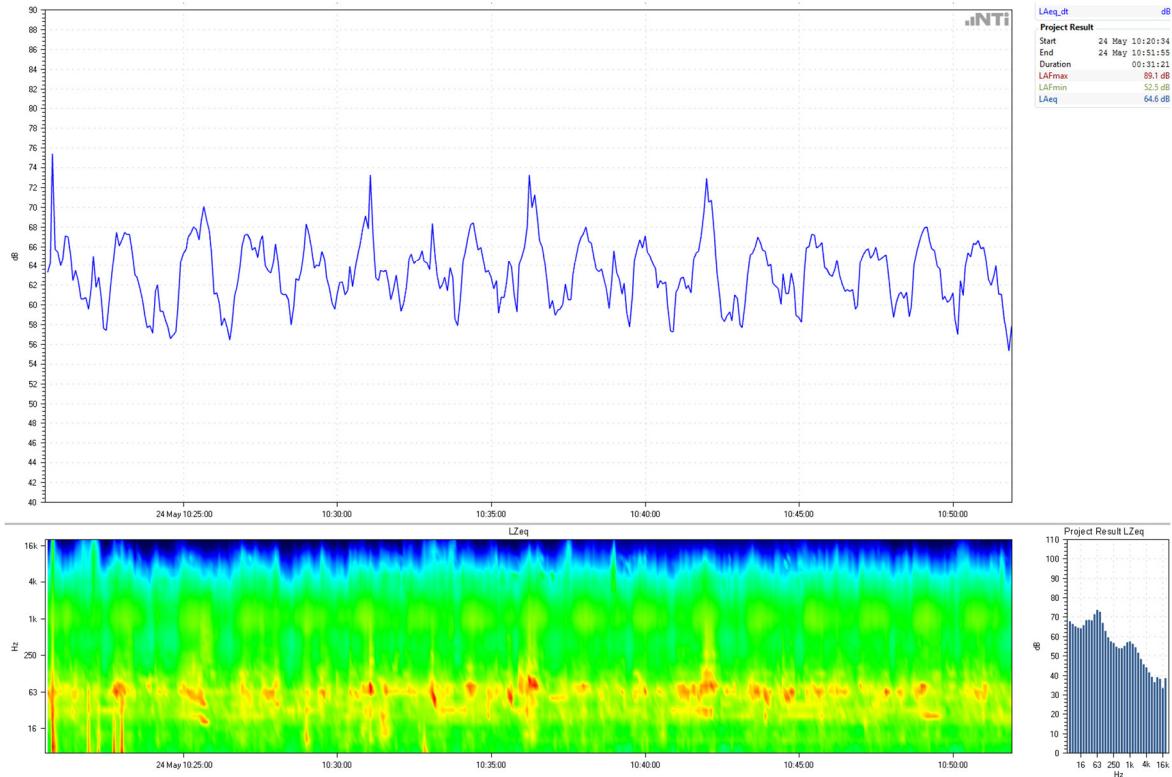
It has been previously noted that noise emissions from internal activities are inaudible when measured directly outside the building (refer V1195-05-P dated 29 October 2023). It is understood that the EPA has requested data on measured noise levels conducted externally to the north façade. Similar to the challenges described above in measuring noise directly from the extraction fans, it is challenging to measure any direct impacts from other areas of the production plant when outdoors.

Our office conducted additional noise measurements on the north façade to capture 30-minute noise emissions while Lyka was operating internally. Our observations are the same as previously assessed that any noise emissions were not measurable outside the building. The reason for this is two-fold:

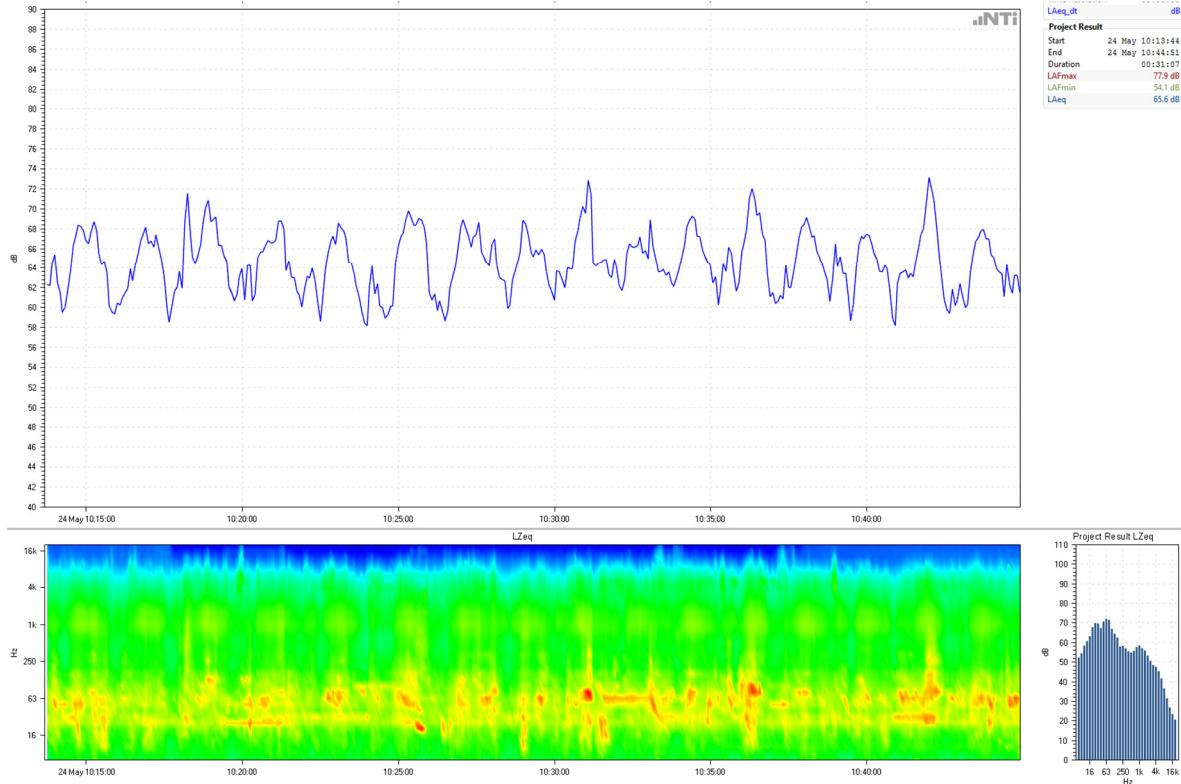
1. The noise emissions from Lyka are relatively quiet once outdoors; and
2. Traffic noise in the area dominates the soundfield, even when measurements are carried out very close to the Lyka building fabric.

Refer to the following measurement results:

Leq-30min	dB(A)	10	12.5	16	20	25	31.5	40	50	63	80	100	125	160	200	250	315	400	500	630	800	1k	1.25k	1.6k	2k	2.5k	3.15k	4k	5k	6.3k	8k
Biofilter Measurement	65.7 (A)	58.1	60.4	63.0	67.5	69.7	69.4	67.0	70.5	71.8	71.2	66.6	64.2	62.2	57.6	58.0	56.8	55.2	54.6	55.4	57.3	58.2	56.8	55.7	53.0	50.3	48.2	47.3	45.0	41.4	36.2
North Façade Measurement	64.6 (A)	65.0	64.3	63.9	65.5	68.2	68.3	68.0	71.2	73.4	72.5	66.7	62.6	59.3	57.2	56.4	54.4	53.7	53.6	54.9	56.7	57.2	56.0	54.2	51.4	48.1	45.4	43.8	41.2	39.0	36.2
Sensitive use interface (north)	67.8 (A)	56.0	59.9	59.6	62.5	67.8	67.6	66.6	72.6	76.1	73.3	72.4	69.8	68.2	64.9	63.7	61.5	59.5	58.7	56.5	57.8	58.3	57.5	56.5	54.8	52.7	50.8	48.4	46.4	43.9	40.7



*North Façade Measurement*



*Biofilter Measurement at 1m*



BIOFILTER MEASUREMENT ON NORTH FAÇADE



MEASUREMENT APPROXIMATELY 5M FROM NORTH FAÇADE

We have also provided the measured  $L_{eq-30min}$  noise level along the sensitive use interface to the north, however note that the noise levels measured correspond with traffic noise. It was again found to be practically impossible to measure any real noise emission from Lyka, even at very close range to the building and bio-filter (shown in the above photographs). Audio files from the above measurements can be provided to the EPA for review, to confirm that the recorded levels are a result of traffic noise. Ironically, Lyka's relatively low noise emission in an otherwise high ambient noise environment makes it more challenging to provide quantitative noise data from this area of the plant.

Based on the minimum noise readings between traffic passbys and first principle calculations for sound propagation at distance, we estimate that the noise level difference between the bio-filter measurement and the nearest receptors would be approximately 41dB.

So, even if we assume the noise level measured 1m from the bio-filter was from the bio-filter and not from traffic (66dB  $L_{eq-30min}$  at 1m), it follows that the noise level at the sensitive receptor boundary would be in the order of 25dB(A). This is not a level that can reasonably be expected to be audible and for the same reasons stated above in reference to the extraction fans, it would not be reasonable to consider further noise controls.

Again, from our observations on site and our review of the audio recordings, the noise levels measured at the north façade of the building were not from the bio-filter nor from internal operations, but from ambient traffic noise. The purpose of the calculation above is just to show that with an abundance of conservatism, the noise emissions at the closest sensitive use interface would still be inaudible.

## 5 Conclusion

Enfield Acoustics has conducted additional noise measurements at 32 Crompton Way, Dandenong South and is satisfied that:

- The extraction fans comply with the Noise Protocol and LFN thresholds by a substantial margin, at all times of operation

- The operator commits to turning off the extraction fans between 10pm to 7am on all days to further minimise any risk of adverse noise impacts and to help satisfy the GED requirements
- Noise from other areas of production along the northern interface of the Lyka site are not measureable outside of the building, as previously established. In-principle calculations and estimates of the actual noise emission infers that any noise emissions from this area are also compliant with the Noise Protocol and LFN thresholds, by a substantial margin.
- Based on the risk assessment carried out in accordance with the GED, there is essentially no risk of harm and it would not be reasonable to consider further noise controls.

To this end, we are satisfied that all noise requirements have been closed out for the operation and that a licence can be issued by the EPA on this basis.



## Appendix A: Noise Assessment Report dated 29 October 2023

Enfield Acoustics Pty Ltd  
ABN 15 628 634 391  
PO Box 920  
North Melbourne, VIC 3051  
(03) 9111 0090



October 29, 2023

Lyka Pet Foods c/- Sustainable Project Management  
Attn: Tony Robinson

**Re: 32 Crompton Way, Dandenong South – Noise Assessment Report**

This Noise Assessment Report (NAR) is written in response to the requirements of DL\_C07(a), as follows:

Within 30 days of the completion of the approved activities, you must provide to EPA a written report that summarises the activities undertaken and includes:

a) noise assessment report informed by noise monitoring conducted in accordance with the commissioning plan as specified by DL\_R01.

DL\_C07

b) an updated Risk Management and Monitoring Plan that incorporates the controls and measures presented in the Acoustic Report, acoustic memo dated 03/03/2023, technical memo revision 2 dated 7/8/2023 and further information memo dated 07/08/2023, including controls and measures for managing truck noise.

The NAR has been conducted in general accordance with the Acoustic Commissioning Plan (ACP) prepared by our office, dated 8 September 2023.

**UPDATED BACKGROUND NOISE MONITORING AND NOISE LIMITS**

Additional unattended background noise monitoring was conducted to establish up-to-date ambient noise conditions, including background noise. With the assistance of Sustainable Project Management (SPM), a resident at 27 Tarene Street had agreed for us to install a noise monitor in their backyard (see below).



*Noise Monitor at 27 Tarene Street*

32 Crompton Way, Dandenong South

Noise Assessment Report

V1195-05-P Noise Assessment  
Report (r0).docx



At the request of the resident, the noise monitor was positioned above a dog kennel at an approximate height of 3.5m above ground. It is noted that this was the closest position to the Subject Land available for long-term unattended noise monitoring after a community liaison exercise by SPM.

While the location of monitoring is not the closest receptor, noise monitoring at this location can be used to inform ambient background noise conditions and make comparisons before and after Lyka's commissioning operations commenced.

The following background noise levels were recorded:

Unattended Noise Monitor – Average period noise levels

Date	'Day', L <sub>A90</sub>	'Evening', L <sub>A90</sub>	'Night', L <sub>A90</sub>
9 September 2023 - Saturday	Incomplete	48 dB(A)	<b>43 dB(A)</b>
10 September 2023 – Sunday	<b>51 dB(A)</b>	<b>48 dB(A)</b>	44 dB(A)
11 September 2023 – Monday	53 dB(A)	48 dB(A)	45 dB(A)
12 September 2023 – Tuesday	54 dB(A)	51 dB(A)	47 dB(A)
13 September 2023 – Wednesday	52 dB(A)	51 dB(A)	47 dB(A)
14 September 2023 - Thursday	51 dB(A)	49 dB(A)	49 dB(A)
15 September 2023 – Friday	55 dB(A)	Incomplete	Incomplete

The lowest daily average background levels (shown in red above) were used to derive the Noise Protocol limits below:

Period	Zoning Level	Background Noise / Classification	Noise limit
<b>'Day' Period</b> 7am to 6pm (Monday to Saturday)	59 dB(A)	51 dB(A) L <sub>90</sub> 'Neutral' Background	<b>59 dB(A)</b>
<b>'Evening' Period</b> 6pm to 10pm (Monday to Saturday) 7am to 10pm (Sundays)	52 dB(A)	48 dB(A) L <sub>90</sub> 'Neutral' Background	<b>52 dB(A)</b>
<b>'Night' Period</b> 10pm to 7am (All days)	47 dB(A)	43 dB(A) L <sub>90</sub> 'Neutral' Background	<b>47 dB(A)</b>

Based on the updated noise monitoring, the background noise classification reduced from 'High' to 'Neutral', however note that the position of monitoring may be conservative as 27 Tarene Street appears to be better shielded from road traffic (due to earth bunding) compared to dwellings closer to Hammond Road, and is also further from intersection noise (i.e. accelerating vehicles).

To remain conservative, we will adopt the zoning levels as the noise limits for all identified sensitive uses, however note that higher noise limits may apply at dwellings directly opposite the Subject Land, where worst-case noise impacts will occur.



## ***NOISE PROTOCOL ASSESSMENT***

---

As identified in the ACP, our office relies on multiple strategies to determine the compliance status of commissioning operations, with multiple site visits occurring to capture various noise emissions.

A summary and timeline of our measurements and observations are provided below:

Date/Time	Comments
9 September to 15 September 2023 <i>Unattended noise monitoring</i>	Background noise monitoring at 27 Tarene Street to establish pre-commissioning ambient and background noise levels
2 October 2023 between 7.30am to 10.30am <i>Attended noise monitoring</i>	<p>Wet commissioning measurements, noting that Lyka has advised that all plant and equipment are operating.</p> <p>Batch manufacturing measurements were conducted, including at truck delivery and loading externally.</p> <p>Two engineers from Enfield Acoustics were deployed to measure noise impacts within the site boundary and at sensitive use interfaces to the North, concurrently.</p> <p>Internal noise measurements and observations were also conducted to ensure all manufacturing activities were captured.</p> <p>Note that four extraction fans were observed from the southeast plantroom that were not part of the approved design.</p> <p>These fans were switched off on 9 October 2023 following complaints received and will not be used again without further assessment and/or approval from EPA, as instructed by Lyka.</p>
2 October to 9 October 2023 <i>Unattended noise monitoring</i>	This monitor was deployed at 27 Tarene Street, however the data will not be used due to the unapproved extraction fans that were present for the monitoring campaign.
10 October 2023 at approximately 3.00am <i>Attended noise monitoring</i>	Following a complaint received by neighbours, it was determined that the southeast plantroom extraction fans were likely non-compliant and as such, were switched off on 9 October 2023.

	<p>Further observations confirmed that it was the unapproved extraction fans that resulted in the complaints, noting that there was only a barely audible mechanical plant noise 'hum' in between very quiet periods of traffic with the fans turned off and was not measurable above background noise at sensitive use interfaces.</p> <p>It was noted that appreciable volumes of traffic were still observed at 3am.</p>
18 October to 25 October 2023 <i>Unattended Noise Monitoring</i>	Unattended noise monitoring at 27 Tarene street to confirm compliance.
19 October 2023 between 1.00am to 2.00am <i>Attended Noise Monitoring</i>	Attended noise monitoring at sensitive use interfaces to confirm compliance.

The results of our unattended and attended noise measurements are discussed in the sections to follow.

#### **Internal Noise Emissions**

Several internal noise measurements were conducted, typically measured at a level of 75 to 95dB(A)  $L_{eq}$  internally. Concurrent measurements were conducted internally and externally, noting that noise emissions were not measurable anywhere external to the building and at sensitive use interfaces.

This is consistent with our earlier assessments, noting that internal activities generally occur in a 'box-in-box' configuration (i.e. production areas are within internally partitioned rooms not directly connected to the external building envelope).

It is noted that the high ambient noise environment inherently increases the difficulty of internal noise emissions being measured externally, however this infers that any internal noise emissions will comply with the Noise Protocol.

We confirm that all the internal activities identified in the ACP were operating at that time, noting that this was coordinated with Lyka prior to the assessment date.

On this basis, we are satisfied that internal noise emissions comply with the Noise Protocol, by way of being inaudible directly outside of the building on-site (including observations made within the staff carpark adjacent the bio-filter) and at sensitive uses.

#### **Loading and Delivery Noise**

Our office measured a truck delivery and external loading at a distance of approximately 40m from the loading bay (towards the north boundary), while concurrent measurements were conducted at the

sensitive use interfaces. Noise from the truck and loading activity was not measurable above ambient traffic within the site boundary and was not audible at sensitive use interfaces directly opposite the loading bay.

This is not a surprising result given that significant road traffic already exists along the Dandenong Bypass. It is noted that regular traffic regularly ranges between 65 and 75dB(A)  $L_{eq}$  at the closest dwellings.

Because deliveries and loading are only proposed between the hours of 7am to 8pm and traffic is relatively consistent on the Dandenong Bypass, we assess that the noise impacts from deliveries and loading will not be measurable and/or materially audible above background and as such, would comply with the Noise Protocol.

We also noted in our observations that trucks were not left idling when in the loading bay.

#### **Mechanical Plant Noise**

For the 'Day' and 'Evening' period, mechanical plant noise was not measurable above background noise level at sensitive use interfaces, even with the four unapproved extraction fans on.

As anticipated, the biofilter fans were not audible directly outside the outlets on the north façade.

Our 'Night' observations indicate that mechanical plant noise was barely audible between quiet periods of traffic, but still not measurable as there was still appreciable traffic noise even during the quietest hours of the night/morning, as shown in the noise logging trace ( $L_{Aeq}$ ) taken south of Tarene Street dwellings at 3.00am. Minimum ambient noise levels between traffic passbys was in the order of 45dB(A).



To confirm mechanical plant noise emissions comply with the Noise Protocol, we rely on statistical analysis of our unattended and attended noise monitoring results.

***Comparison 1 – Unattended noise monitor at 27 Tarene Street***

We have compared the unattended noise monitoring data before and after commissioning (when plant and equipment have been turned on). If there is mechanical plant noise impacts, it would likely only be present as 'background' or 'minimum' levels as 24-hour plant were not observed to cycle on/off during our night observations. To this end, the following minimum statistical L<sub>90</sub> and L<sub>99</sub> levels were measured at 27 Tarene Street:

Period	L <sub>90-30min</sub>	L <sub>99-30min</sub>
Minimum 30-minute period measured <b>before</b> commissioning (9 September campaign)	<b>36.2 dB(A)</b>	<b>33.8 dB(A)</b>
Minimum 30-minute period measured <b>after</b> commissioning (18 October campaign)	<b>39.6 dB(A)</b>	<b>37.9 dB(A)</b>
Estimated mechanical plant noise levels (via logarithmic subtraction)	<b>36.9 dB(A)</b>	<b>35.8 dB(A)</b>

Based on the analysis above, logarithmic subtraction of before and after noise levels indicate that mechanical plant noise are approximately **36 to 37dB(A) L<sub>eq</sub>** when measured at 27 Tarene Street.

We refer to our results of our noise modelling under Appendix A of V1195-02-P dated 3 March 2023, where noise impacts at the most affected dwellings were modelled to be approximately 2dB(A) greater than at 27 Tarene Street. This infers that noise levels could be potentially up to **39dB(A) L<sub>eq-30min</sub>** at the worst affected dwellings to the north.

For comparison, our previous noise modelling estimated a noise level of **37dB(A) L<sub>eq-30min</sub>** as worst case, so there is consistency within the noise levels measured.

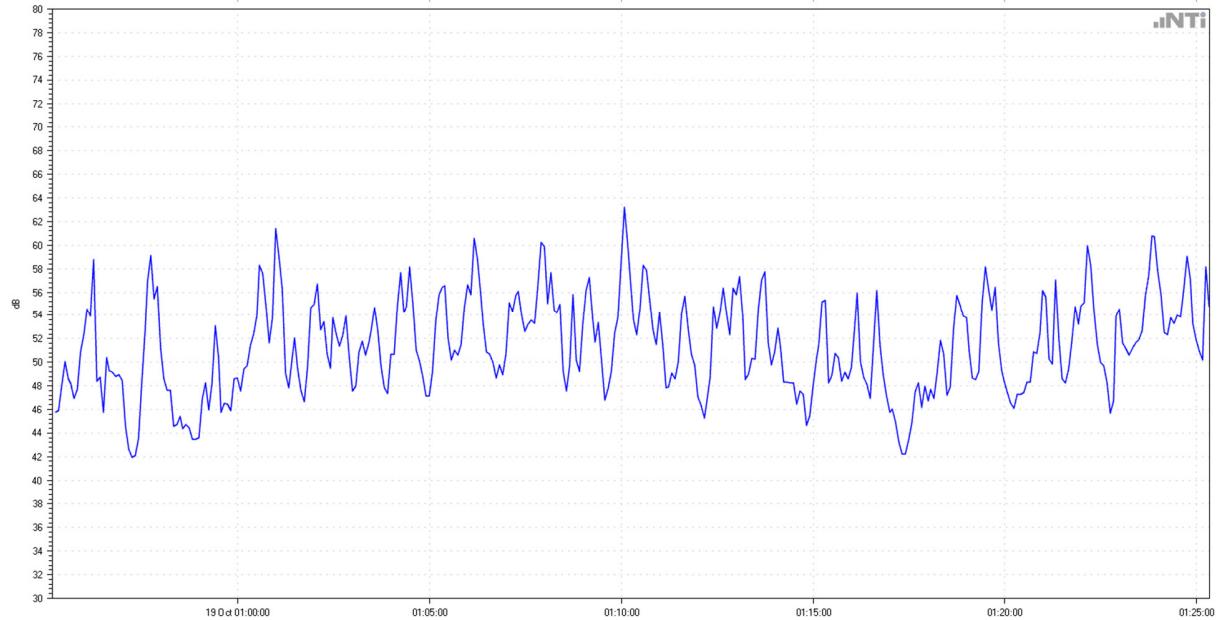
**Comparison 2 – Attended noise monitoring**

Refer to the following map for locations of measurement:

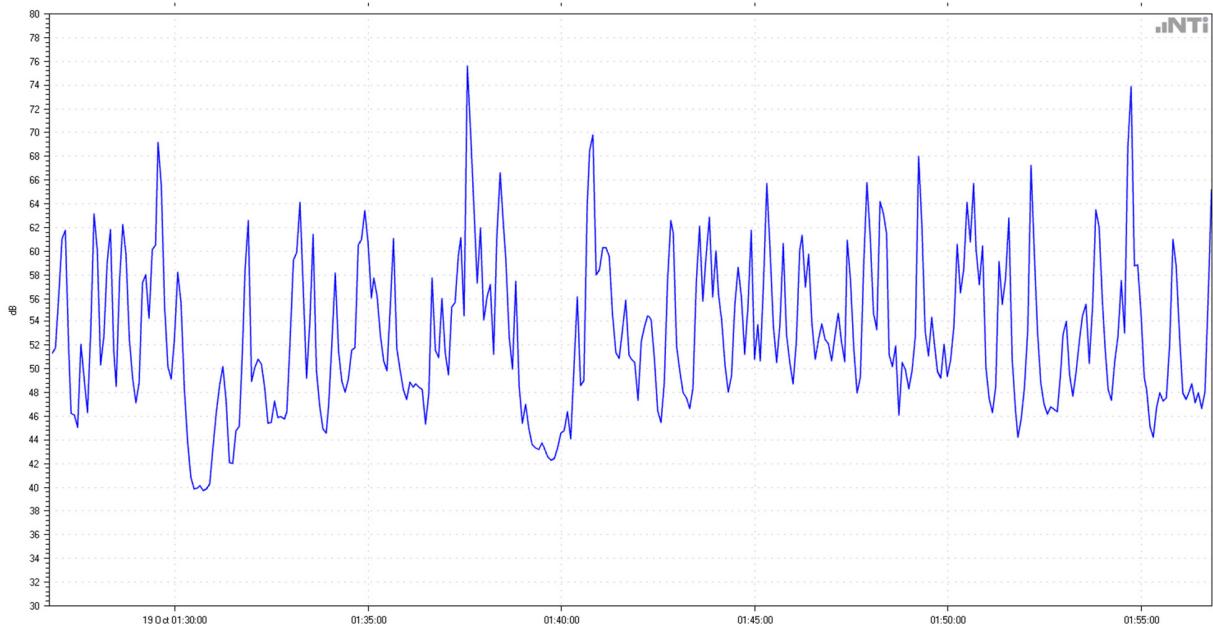


The results of our measurements are summarised as follows:

Period	L <sub>90-30min</sub>	L <sub>99-30min</sub>
Location M1 <i>5 October 2022 between 2.00am to 2.30am (pre-commissioning)</i>	<b>45 dB(A)</b>	<b>43 dB(A)</b>
Location M1 <i>19 October 2023 between 12.55am to 1.25am (post-commissioning)</i>	<b>46 dB(A)</b>	<b>42 dB(A)</b>
Location M2 <i>19 October 2023 between 1.27am to 1.57am (post-commissioning)</i>	<b>45 dB(A)</b>	<b>40 dB(A)</b>



*Location M1 – 19 October 2023*



*Location M2 – 19 October 2023*

Based on the results and noise logging trace above, it is clear that noise levels were driven by traffic noise impacts and not consistent and/or sustained mechanical plant noise. It is reasonable to conclude from the table above that:

- The noise environment did not materially change before and after commissioning.
- Based on our predicted  $L_{eq-30min}$  of **39dB(A)** from Comparison 1, it is unlikely that noise emissions would materially raise noise levels given that the  $L_{90}$  is already approximately **45dB(A)**. This corroborates our observations as mechanical plant was only barely audible between periods of sparse traffic, which can be represented as the  $L_{99}$  metric.

While mechanical plant noise impacts are not directly measurable as a  $L_{eq-30min}$  there is sufficient evidence in our view that noise impacts are comfortably complying with the Noise Protocol at 'Night'. This is also true during the 'Day' and 'Evening' periods, where background noise levels regularly exceed 50dB(A)  $L_{90}$ .

#### **LOW FREQUENCY NOISE ASSESSMENT**

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We refer to the following LFN noise levels measured locations M1 and M2:

Attended Noise Measurements	Item	1 / 3 Octave Band Centre Frequency, Hz												
		10	12.5	16	20	25	31.5	40	50	63	80	100	125	160
Locaiton M1 (pre commissioning)	L90	46	45	44	43	46	46	47	48	47	45	44	41	40
	L99	40	42	41	41	44	44	45	46	45	44	42	39	38
Location M1 (post commissioning)	L90	37	40	41	41	46	44	45	47	47	46	45	42	42
	L99	33	37	38	38	44	42	42	45	45	43	43	41	40
Location M2	L90	36	39	40	40	46	44	45	48	47	46	46	44	42
	L99	33	36	37	38	44	41	42	45	44	44	46	42	41
LFN Threshold	LFN Threshold	92	89	86	77	69	61	54	50	50	48	48	46	44
Comply?		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Note again that mechanical plant noise impacts would only potentially present itself within the  $L_{90}$  or  $L_{99}$  metric, which is shown to comply with the LFN thresholds. The pre and post commissioning measurements also did not indicate a material change in LFN impacts. This indicates that mechanical plant is not emitting or contributing to any LFN at sensitive receptors.

We have again relied upon the  $L_{90}$  or  $L_{99}$  metrics as passing traffic in the area was the key driver of  $L_{eq}$  noise levels. Further, pre-commissioning  $L_{eq}$  levels already exceed LFN thresholds due to traffic noise.

It is noted that LFN impacts directly from the Subject Land (without the cumulative impacts from traffic), would be even lower than shown above.



Overall, the table above demonstrates mechanical plant noise emissions are compliant with LFN thresholds, noting that there is very little risk of adverse LFN impacts when residents are already next to a significant source of LFN impacts (road traffic).

### **CONCLUSION**

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With regards to noise emissions from 32 Crompton Way, Dandenong South, Enfield Acoustics is satisfied that the commissioning measurements conducted confirms that the use is currently compliant with the Noise Protocol and LFN thresholds.

While direct measurements could not be made due to elevated traffic, there is sufficient evidence through a broad and extensive monitoring program that noise impacts are not found to be material at all surrounding sensitive uses.

The fact that noise emissions are not audible and/or barely audible would typically already be sufficient to conclude this, however further analysis have been provided for completeness.

To that end, we consider that DL\_C07(a) is satisfied. With regards to DL\_C07(b), no further changes are required amending the RMMP to prohibit the use of the four extraction fans at the southeast plantroom.

Regards

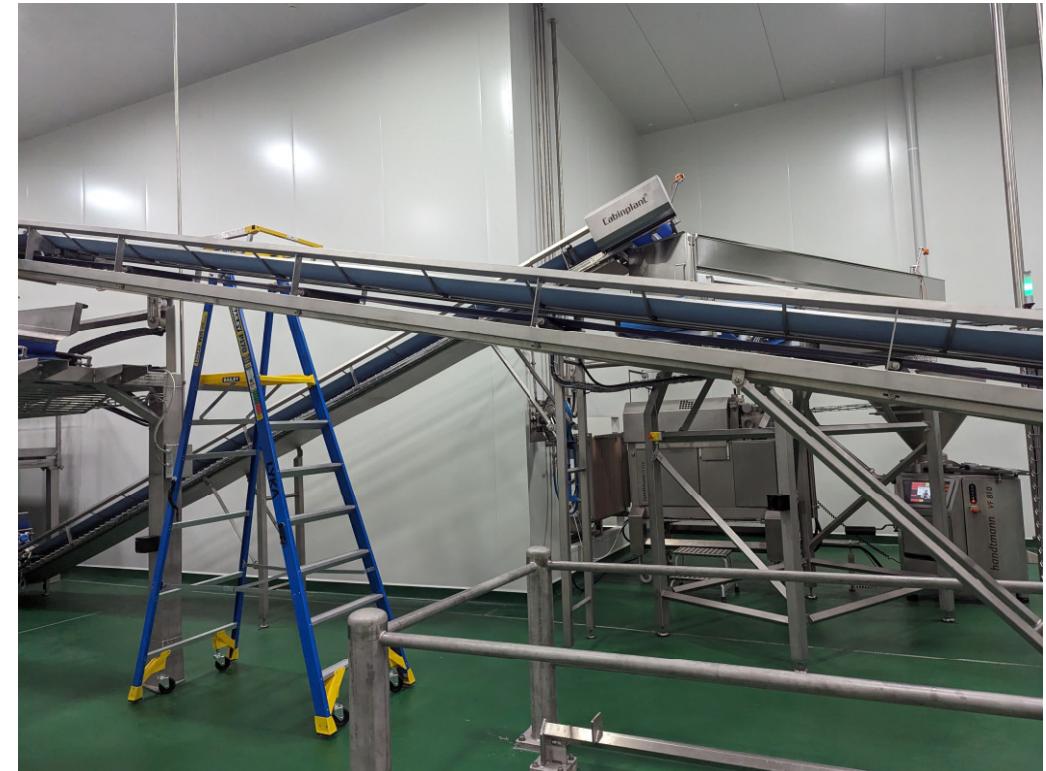
A handwritten signature in black ink, appearing to read 'Mark Chew'.

Mark Chew  
Associate  
Enfield Acoustics Pty Ltd

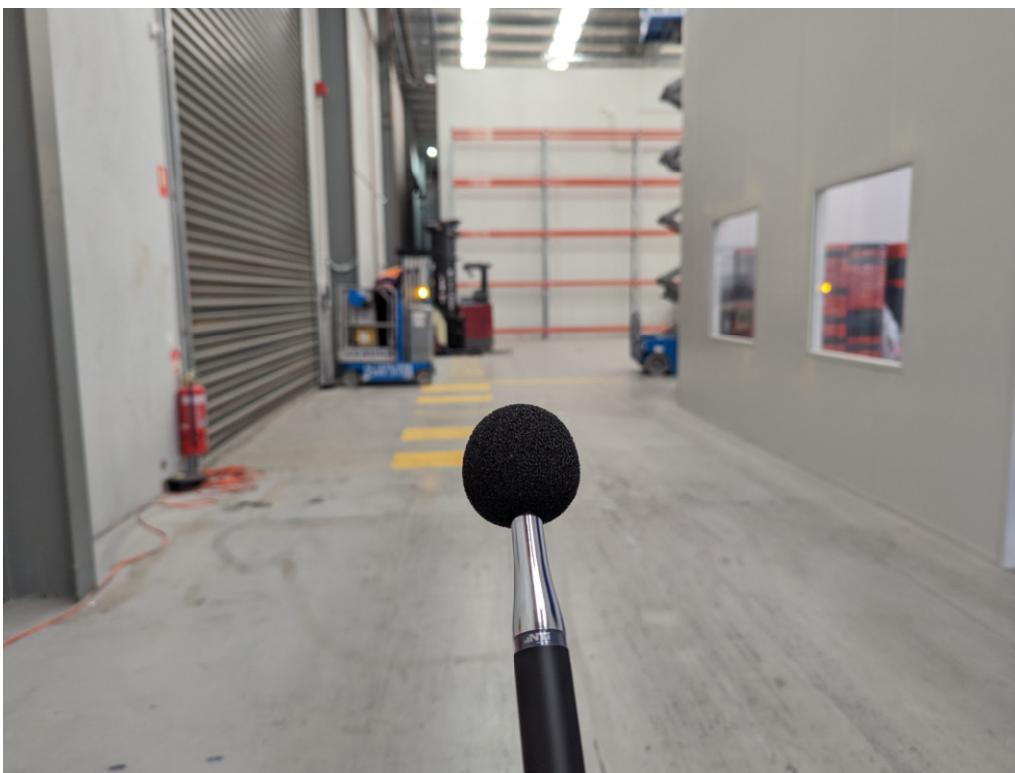


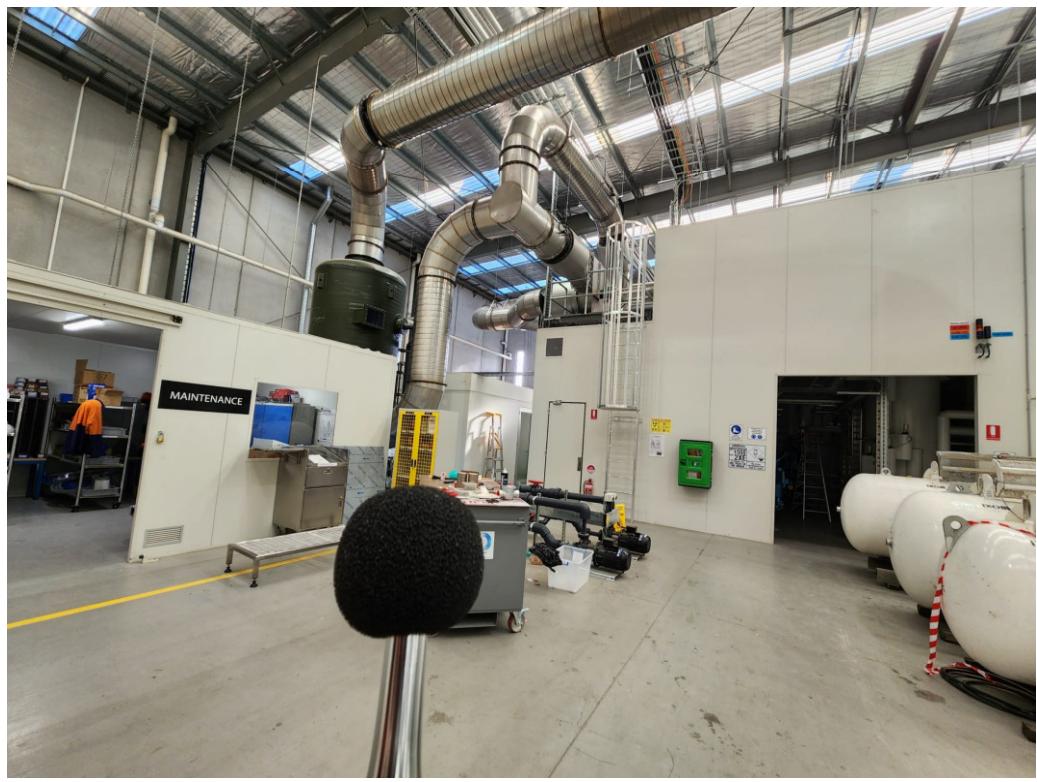
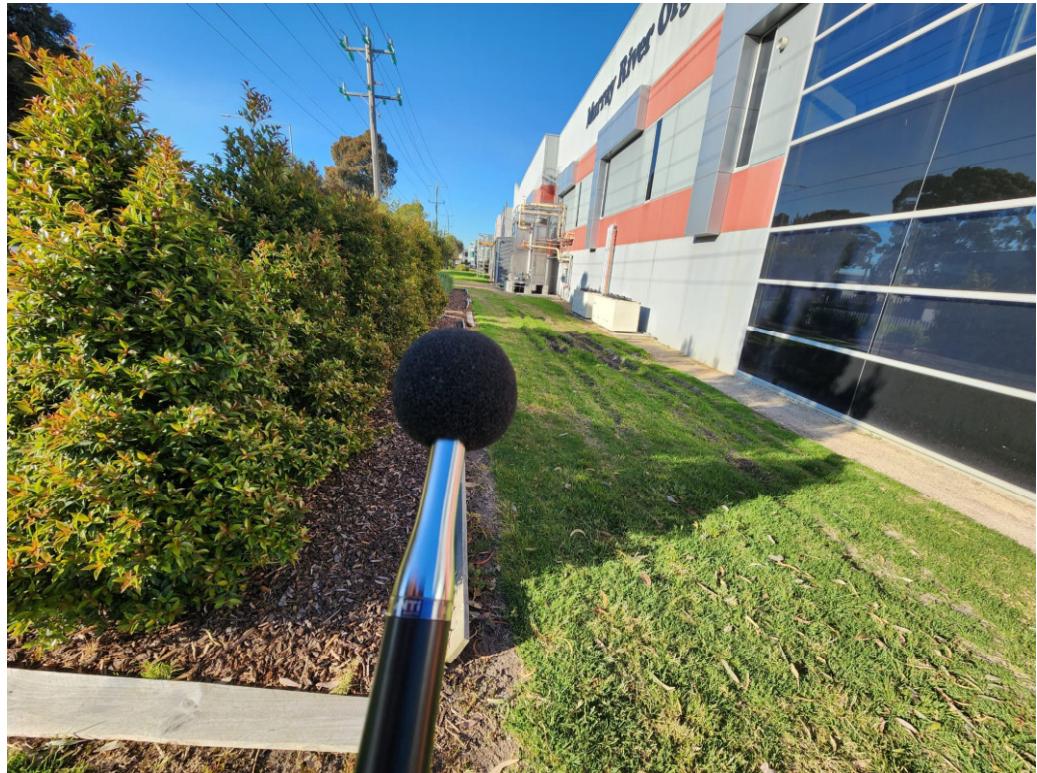
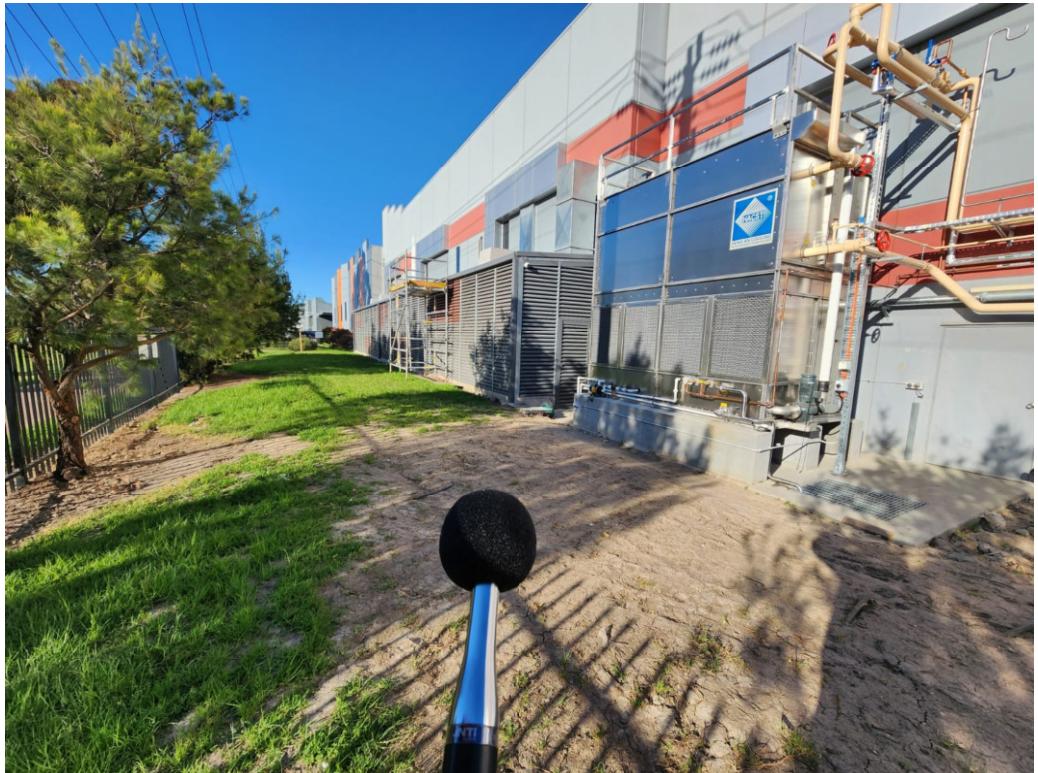
## APPENDIX A – INSPECTION PHOTOS

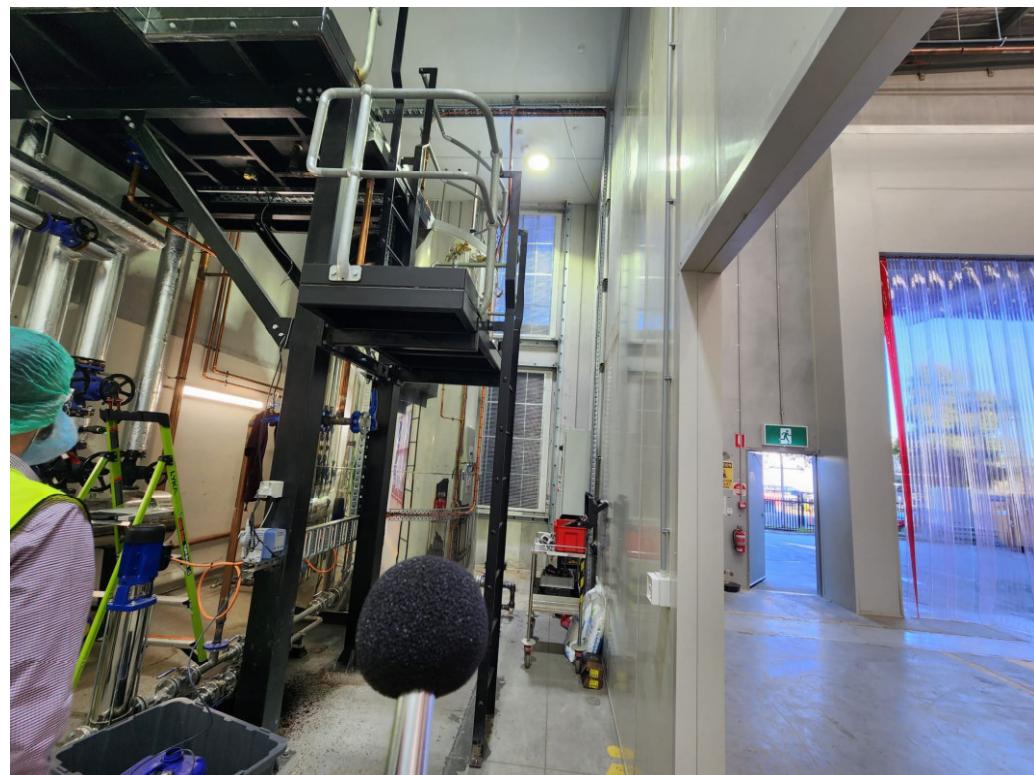
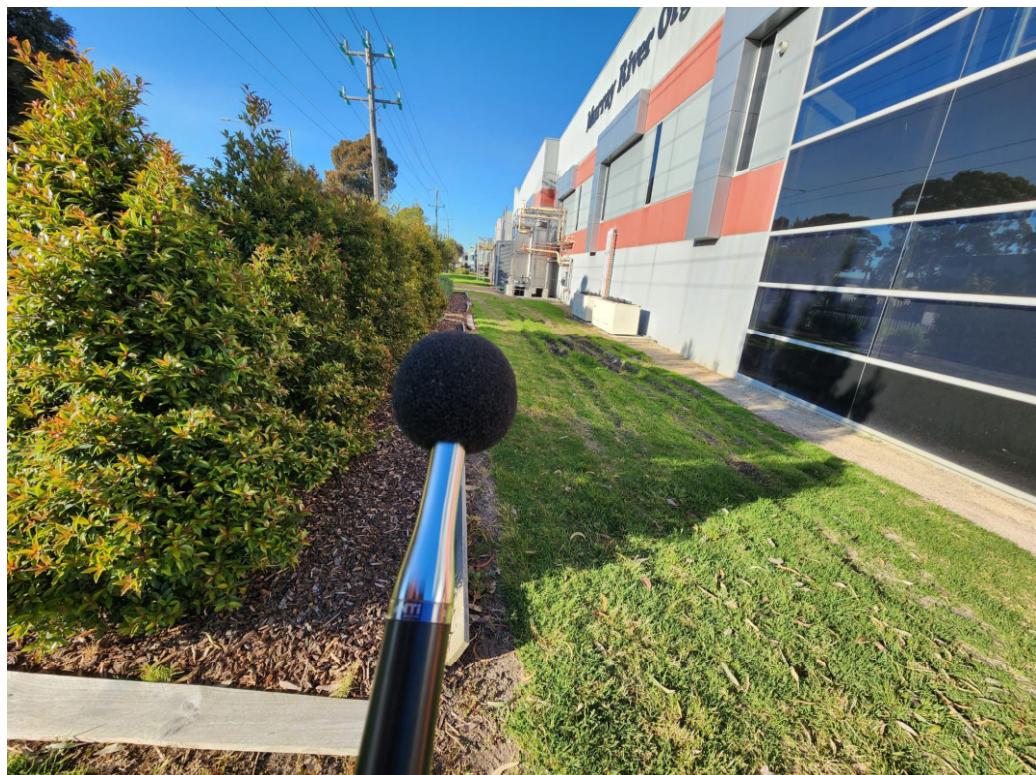
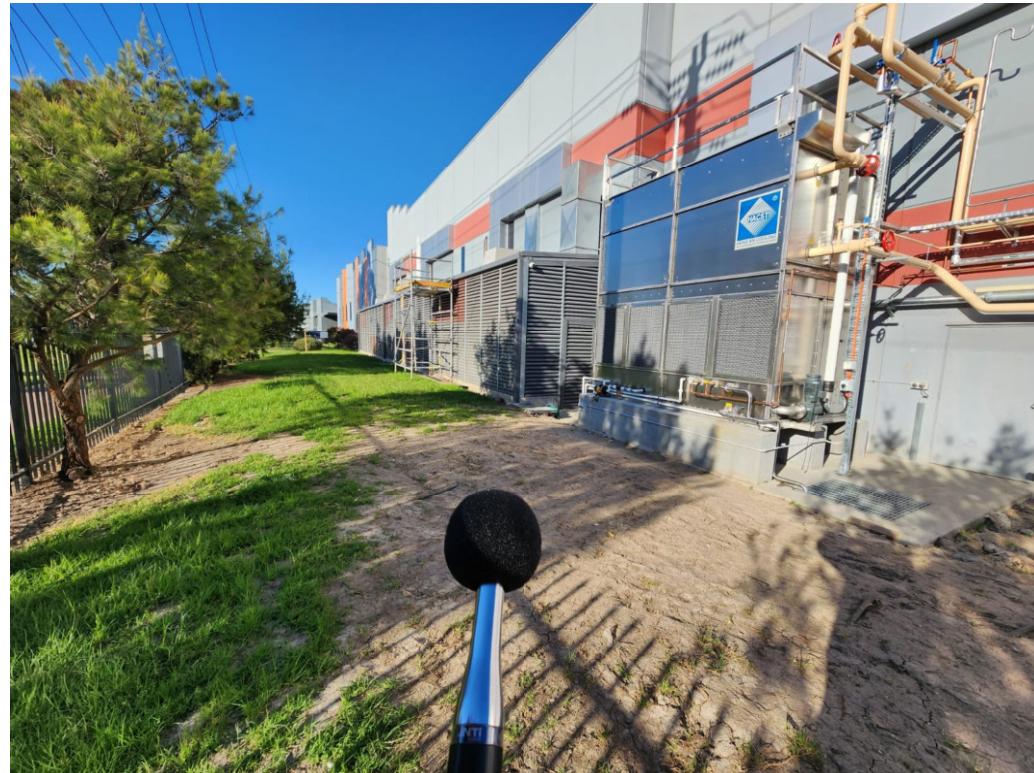


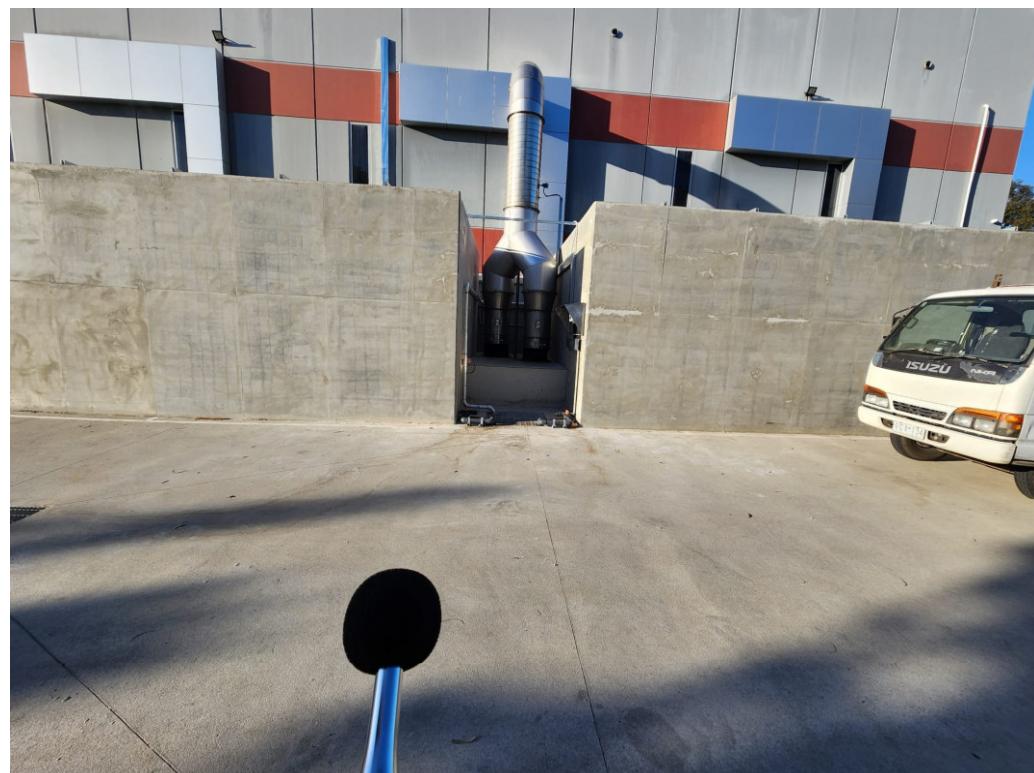
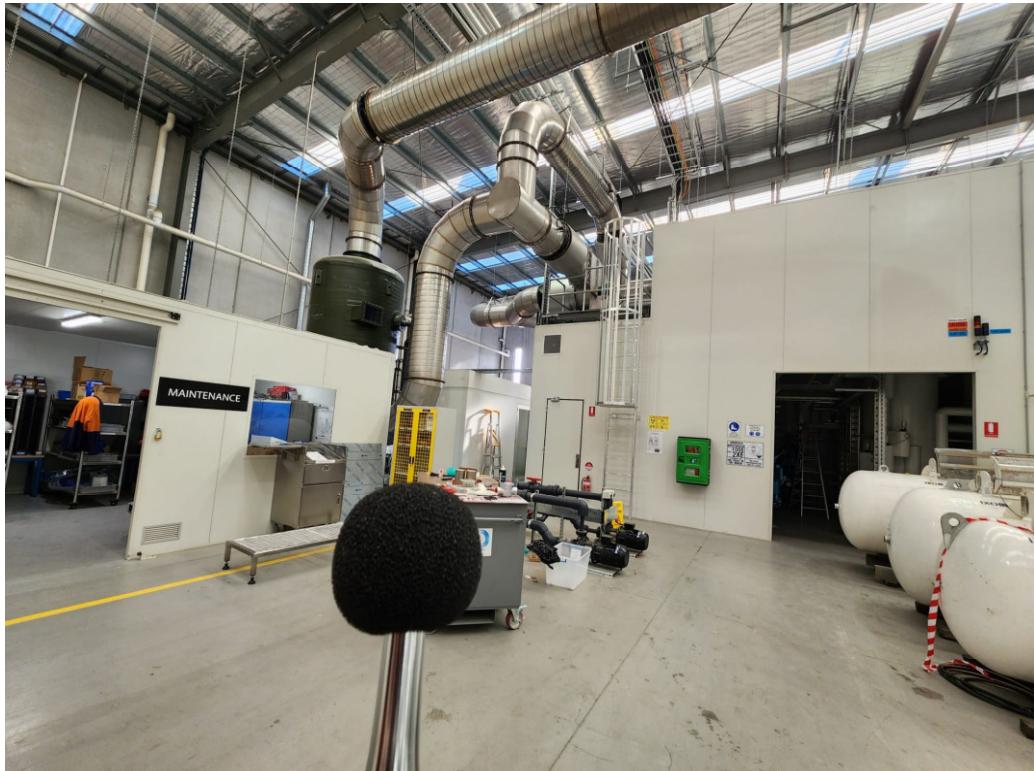


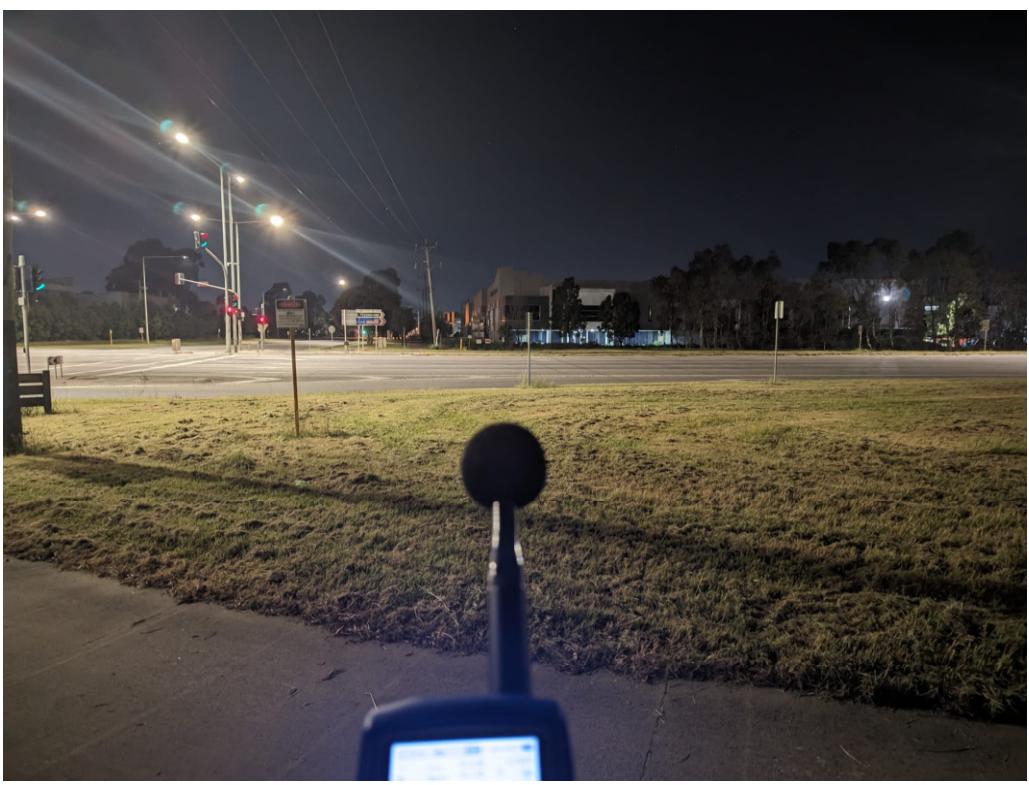














## **APPENDIX D. PLANNING PERMIT**

# PLANNING PERMIT

**Permit No.:** PLN22/0593  
**Planning Scheme:** Greater Dandenong Planning Scheme  
**Responsible Authority:** Greater Dandenong City Council

**ADDRESS OF THE LAND:** 32 Crompton Way DANDELONG SOUTH VIC 3175

**THE PERMIT ALLOWS:** Use of the land for Industry (Pet Food Production), construct buildings and works and reduce the car parking requirements of Clause 52.06

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

---

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - 1.1. Elevation plans of all new external structures;
  - 1.2. Any recommendations of the Traffic and Parking Management Plan (TPMP) as required under Condition 8 of this permit.

When approved, these plans will be endorsed and will form part of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the further written consent of the Responsible Authority.
3. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.
4. The approved use and development must not start until a Development Licence has been obtained from the Environment Protection Authority.
5. The use and development must be in accordance with an EPA Approved Development Licence (reference No. APP020888).
6. No buildings or works may be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
7. Within three months of the approved use ceasing to operate, the following must be carried out and be completed to the satisfaction of the Responsible Authority:
  - 7.1. The six (6) car parking spaces removed for the construction of the biofilter to be fully reinstated and line marked.

Continued...

**PLANNING PERMIT NO. PLN22/0593**

Conditions Continued

8. Prior to the endorsement of plans, a Traffic and Parking Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The use must not commence until the plan has been approved and endorsed by the Responsible Authority. The TPMP must be generally in accordance with the submitted application plans and must:
  - 8.1. Identify all parking bays on the application plans and any parking allocations proposed on site
  - 8.2. Identify measures used to ensure that all parking demand generated by the site can be accommodated within the spaces available, this may include:
  - 8.3. Shift scheduling and controls (rosters / check in check out etc.)
  - 8.4. Booking / allocation of parking spots
  - 8.5. Identify those responsible for any actions / tasks within this plan
  - 8.6. Identify any methodology / triggers for review of the plan
9. The development is to be constructed in accordance with the design initiatives and commitments included in the approved Sustainable Design Assessment "SDA" (prepared by Sustainable Project Management, dated December 2022 or another approved amended SDA) to the satisfaction of the responsible authority.
10. The provisions, recommendations and requirements of the endorsed SDA must be implemented and complied with to the satisfaction of the Responsible Authority. The endorsed SDA and supporting documentation must not be altered without the prior written consent of the Responsible Authority.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan "WMP" (prepared by Sustainable Project Management dated December 2022) must be implemented and complied with to the satisfaction of the Responsible Authority. The endorsed WMP and supporting documentation must not be altered without the prior written consent of the Responsible Authority.
12. The provisions, recommendations and requirements of the endorsed Acoustic Report (prepared by Enfield dated 20 October 2022) must be implemented and complied with to the satisfaction of the Responsible Authority. The endorsed Acoustic Report and supporting documentation must not be altered without the prior written consent of the Responsible Authority.
13. The provisions, recommendations and requirements of the endorsed Odour Risk Assessment (prepared by AOC Specialist dated 20 October 2022) must be implemented and complied with to the satisfaction of the Responsible Authority. The endorsed Odour Risk Assessment and supporting documentation must not be altered without the prior written consent of the Responsible Authority.
14. Except with the prior written consent of the Responsible Authority, a maximum of fifty four (54) staff members may be present on site at any one time.

Continued...

**PLANNING PERMIT NO. PLN22/0593**

Conditions Continued

15. Car spaces, access lanes, loading bays and driveways must be maintained (including line marking) and kept available for these purposes at all times.
16. The car parking provided on the land must always be kept available for its intended purpose at all times. No measures must be taken to restrict access to the car park.
17. The car parking area must be lit if in use during the hours of darkness and all lights must be designed and fitted with suitable baffles. The lighting must be positioned to prevent any adverse effect on adjoining land and must not be considered excessive for the area, all to the satisfaction of the Responsible Authority.
18. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land.
19. The site operator must endeavour to prevent site bound commercial vehicles queuing on arrival along the public access road. Accordingly, access driveways/roadways/aisles providing access to loading areas on-site must not be gated during operating hours or feature control points (i.e. boom gates, guardhouse or similar) without suitable queuing space on site, all to the satisfaction of the Responsible Authority.
20. Goods, materials, equipment and the like associated with the use of the land must not be displayed or stored outside the building, without the further written consent of the Responsible Authority.
21. Prior to the occupation of the development, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - 21.1. Constructed in accordance with the endorsed plan/s.
  - 21.2. Properly formed to such levels that they can be used in accordance with the plans.
  - 21.3. Surfaced with an all-weather sealcoat.
  - 21.4. Drained to the legal point of discharge.
  - 21.5. Line-marked to indicate each car space and all access lanes.
22. In areas set aside for car parking, measures must be taken to prevent damage to fences or landscaping areas, all to the satisfaction of the Responsible Authority.
23. The operator under this permit must make all reasonable attempts to ensure that no vehicle under the operator's control, or the operator's staff, are parked in the streets nearby, all to the satisfaction of the Responsible Authority.
24. The operator under this permit must make all reasonable endeavours to ensure that all vehicles entering and exiting the site do so in a forward direction, all to the satisfaction of the Responsible Authority.

Continued...

**PLANNING PERMIT NO. PLN22/0593**

Conditions Continued

25. Floor levels shown on the endorsed plan(s) must not be altered or modified without the further written consent of the Responsible Authority.
26. Provision must be made for the drainage of the site including landscaped and paved areas, all to the satisfaction of the Responsible Authority.
27. The connection of the internal drainage infrastructure to the Legal Point of Discharge (LPD) must be to the satisfaction of the Responsible Authority.

Collected stormwater must be retained onsite and discharged into the drainage system at pre-development peak discharge rates as stated in the LPD approval letter. Approval of drainage plan including any retention system within the property boundary is required.

28. Standard concrete vehicular crossing/s must be constructed to suit the proposed driveway/s in accordance with the Council's standard specifications. Any vehicle crossing/s no longer required must be removed and the land, footpath and kerb and channel reinstated, and the nature strip sown with grass, all to the satisfaction of the Responsible Authority.
29. The amenity of the area must not be detrimentally affected by the use or development on the land, through the:
  - 29.1. Transport of materials, goods or commodities to or from the land.
  - 29.2. Appearance of any building, works or materials.
  - 29.3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - 29.4. Presence of vermin.

All to the satisfaction of the Responsible Authority.

30. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
31. Before the occupation of the development starts, landscaping works as shown on the endorsed plan/s must be completed and then maintained, all to the satisfaction of the Responsible Authority.
32. All wastes must be disposed of to the satisfaction of the Responsible Authority and no liquid waste or polluted waters shall be discharged into a sewer or stormwater drainage system.
33. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.
34. This permit will expire if one of the following circumstances applies:
  - 34.1. the development or any stage of it does not start within two (2) years of the date of this permit, or

Continued...

**PLANNING PERMIT NO. PLN22/0593**

Conditions Continued

- 34.2. The development or any stage of it is not completed within four (4) years of the date of this permit.
- 34.3. The use does not start within one (1) year of the completion of the development, or
- 34.4. The use is discontinued for a period of two (2) years.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

The owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date to complete the development or a stage of the development if:

- a) the request for the extension is made within twelve (12) months after the permit expires; and
- b) the development or stage started lawfully before the permit expired.

**Notes:**

- A Vehicle Crossing Permit must be obtained from Council for the vehicular crossing prior to construction of the crossing.
- Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council.
- Any works undertaken within the road reservation and easements will require the developer to obtain a civil works permit from Council.
- A building approval may be required prior to the commencement of the approved works.
- Except where no permit is required under the provisions of the Planning Scheme, no sign, flashing or intermittent lights, bunting or advertising device may be erected or displayed on the land without the permission of the Responsible Authority.
- Prior to the erection of any advertising signs on the land, consultation should be made with officers of the Town Planning Department to determine the relevant Planning Scheme Controls.
- Prior to the final design being completed, the applicant should consult with Council's Infrastructure Planning Department in regard to the legal point of discharge for the site.
- A report of consent for build over easement is required for any proposed structure over the existing drainage & sewerage easement within/along the eastern boundary of the property.
- Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.
- Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council.

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**PLANNING PERMIT NO. PLN22/0593**

Conditions Continued

**EPA notes:**

- This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.
- The amended Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.
- For further information on what the new laws mean for Victorian businesses go to <https://www.epa.vic.gov.au/for-business/new-laws-and-your-business>
- For further information on what the new laws mean for individuals and the community go to <https://www.epa.vic.gov.au/about-epa/laws/new-laws/the-new-act-for-the-community>

**End of Permit Conditions**

Under Division 1A of Part 4 of the **Planning and Environment Act 1987** a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

Date issued: 30 May 2023

Signature for the responsible authority: 

# IMPORTANT INFORMATION ABOUT THIS NOTICE

## WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

## WHEN DOES A PERMIT BEGIN?

A permit operates:-

- from the date specified in the permit; or
- if no date is specified, from -
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

## WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
  - the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision -
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

## WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in such case, no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.