

Exemption

Environment Protection Act 2017

Exemption number	EXM000300213
Issue date	8 October 2024
Expiry date	07 October 2025
Applicant	LYKA WELLNESS PTY LTD
ACN	623082360
Activity site	32 Crompton Way, Dandenong South, Victoria, 3175, Australia
Exempted permission activities	D05 (Pet food processing)

Issued under section 80(4)(a) of the *Environment Protection Act 2017* (the Act):



Motla Bellville Leshoele
Manager, Permissioning Projects and Improvements
Delegate of Environment Protection Authority Victoria (EPA)

epa.vic.gov.au

Environment Protection Authority Victoria
GPO BOX 4395 Melbourne VIC 3001
1300 372 842

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Context

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

About issuing exemptions

EPA may grant an exemption from the requirement to hold a permission based on circumstances outlined in the Act. EPA can issue an exemption under section 68(3)(a), section 80(4)(a), section 82(3)(a) or section 459(1) that also specify the circumstances under which an exemption can be granted. The *Environment Protection Regulations 2021* (the Regulations) also specify prescribed circumstances that a person is not required to hold a permission. EPA considers those circumstances (and prescribed matter as outlined in Regulation 24 or Regulation 31) to determine whether an exemption should be granted or not.

The granting of an exemption may be subject to conditions or specific requirements that must be met by the duty holder. If these conditions are not complied with, the exemption or determination will not be considered valid or applicable and the duty holder may face penalties for conducting an activity without the required permission. An exemption can be revoked or amended by a written notice given by EPA to the applicant.

Key information and obligations

Interpretation

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

Compliance

Your exemption is subject to conditions. These conditions confer legal obligations on you as the permission exemption 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 exemption or otherwise required by law.

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

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

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Duties under the Act

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

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

General environmental duty

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

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

Duty to notify EPA of notifiable incidents

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

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

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

Duty to notify of contaminated land

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

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

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

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

- Duties of persons depositing industrial waste.
- Duties of persons receiving industrial waste.

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- 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.

Duration

This exemption is subject to the expiry date identified on the first page of this exemption. It will remain in force until that time unless it is revoked by EPA.

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.

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Conditions

General conditions

EX_01	<p>You must immediately notify the Authority by calling 1300 EPA VIC (1300 372 842) in the event of:</p> <ul style="list-style-type: none">a) A discharge, emission or deposit which gives rise to, or may give rise to, actual or potential harm to human health or the environment;b) A malfunction, breakdown or failure of risk control measures at the site which could reasonably be expected to give rise to actual or potential harm to human health or the environment; orc) Any breach of this exemption.
EX_02	<p>You must notify the Authority within 48 hours of the occurrence of any the following:</p> <ul style="list-style-type: none">(a) Any change to your name or address (including your registered address and site as applicable); or(b) A change to an officer (as defined in the Act). <p>You must update the EPA Portal if any other relevant administrative details for your business change.</p>

Specific conditions

EX_03	<p>This exemption 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.</p>
EX_04	<p>A copy of this exemption 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 exemption and the Act duties must be included in site induction and training information.</p>
EX_06	<p>Subject to the following conditions, this exemption allows you to:</p> <p>increase the production of pet food to 12,000 tonnes per year in accordance with application no. APP038907 and the supporting information that was provided with the application.</p>
EX_06.01	<p>The activity must be conducted in accordance with the following approved plans and documents: (a) APP038907 - Applications Details; (b) Lyka_DLX_Application_Sept2024_final; (c) email responses to request for information (RFI) under s51A/r21(1)(a)_APP038907 received on 25/09/2024. In the event of any inconsistency between the approved documents and the conditions of this exemption, the conditions of this exemption shall prevail.</p>

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EX_07	Waste from the activity site must not be discharged or disposed of to the environment except in accordance with this exemption or with any permission or approval issued by the Authority that may relate to the activity site.
EX_08	You must undertake the following actions: you must implement all liquid storage containment and handling measures in accordance with "Liquid storage and handling guidelines" (EPA Publication 1698, released June 2018).
EX_C05	Within 90 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 to demonstrate compliance with the "Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues" (EPA Publication 1826.4, released May 2021), "and any additional controls required based on the assessment"; (b) biofilter performance assessment report to demonstrate compliance with "Biofilter design and maintenance" (EPA Publication 1880, released May 2021) and (c) an updated Risk Management and Monitoring Program (RMMP) to reflect the changes on site.

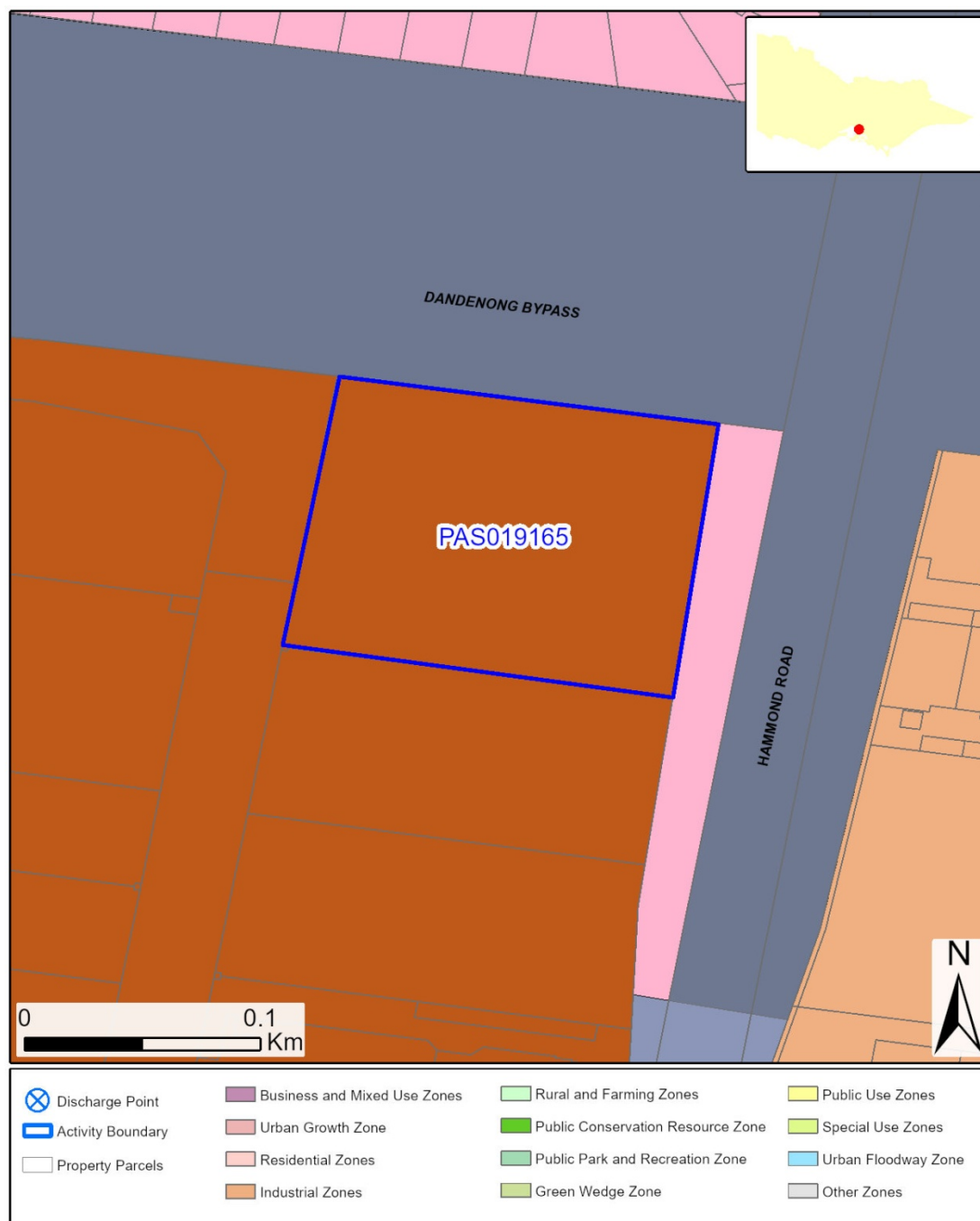
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Appendices

Appendix 1 – locality plan



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

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Appendix 3 – contour plan

There is no contour plan for this licence.

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