

Development licence

Environment Protection Act 2017

Licence number	DL000300034
Issue date	18 August 2023
Last amended	5 August 2024
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).



Richard Anthony.Hook
Team Leader, Development Licences
Delegate of Environment Protection Authority Victoria (EPA)

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Environment Protection Authority Victoria
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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.

Why we issue development licences

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

When we issue development licences

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

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

Key information and obligations

Interpretation

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

Compliance

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

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

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

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Duties under the Act

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

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

General environmental duty

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

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

Duty to notify EPA of notifiable incidents

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

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

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

Duty to notify of contaminated land

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

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

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

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

- Duties of persons depositing industrial waste.

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

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

Further information and resources

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

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

To assist you with understanding your obligations refer to www.epa.vic.gov.au.

Amendment

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

Transfer

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

Duration of licence and renewal

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

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Development licence structure

Your development licence has multiple parts:

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

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Conditions

General conditions

DL_C07	<p>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:</p> <ul style="list-style-type: none">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; andc) odour monitoring results collected in accordance with the Commissioning Plan submitted to EPA on 31 July 2023.
DL_G01	<p>A copy of this licence must be kept at the site and be easily accessible to persons who are engaging in an activity conducted at the site. Information regarding the requirements of the licence and the Act duties must be included in site induction and training information.</p>
DL_G02	<p>The development activity must be developed in accordance with the listed approved plans and documents:</p> <ul style="list-style-type: none">a) Filename: SPM_144 Lyka _Development Licence Application_RevA EPA submission.pdf; Title: Development Licence Application APP020888, REV A; Date: Nov 2022b) Filename: APP020888 – Application Details.pdf; Title: Application Details Date: 19 Jan 2023c) Email: Further Information Received – 9 Dec 2022; Title: Information Request CRM_0887041.msg; Date: 9 Dec 2022d) Email: Re: Lyka odour assessment; 6 Feb 2023e) Email: RFI response – 6 March 2023; Title: 32 Crompton Way, Dandenong South – 3 March 2023 Response to EPA RFI, prepared by Enfield Acoustics Noise Vibrationf) Filename: V1195-03-P LFN Assessment (r0).pdf; Title: Technical Memorandum Low Frequency Noise Assessment; Date: 31 July 2023g) Filename: Lyka Commissioning Plan for EPA R2 Final.pdf; Title: Commissioning Plan for EPA Approval 31 July 2023; Date: 31 July 2023h) 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 Information for EPA - 7 Aug 2023; Date: 7 August 2023j) Filename: V1195-03-P LFN Assessment (r1).pdf; Title: Low Frequency Noise (LFN) Assessment; Date: 7 August 2023 <p>And as augmented by:</p> <ul style="list-style-type: none">k) Filename: APP036577 - Application Details.pdf; Title: APP036577 Application Details Form; Date: 3 June 2024l) Filename: 2251-A105-SITE PLAN(4).pdf; Title: Site Plan, Drawing No A105, Rev 4; Received Date: 4 June 2024

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	m) Filename: V1195-07-P Supplementary Noise Assessment (r0).pdf; Title: Acoustic Report 32 Crompton Way Dandenong South; Date: 31 May 2024. In the event of any inconsistency between the approved documents and the conditions of this permission, the conditions of this permission shall prevail.
DL_G03	Subject to the following conditions, this development licence allows you to: construct works to develop a facility to manufacture pet food up to 5,200 tonnes per year.
DL_G05	This permission expires: (a) on the issue or amendment of an operating licence or permit relating to all activities covered by this permission; (b) when the Authority advises in writing that all activities covered by this permission have been satisfactorily completed and the issue or amendment of an operating licence or permit is not required; or (c) on the expiry date listed on the front page of this permission.
DL_G07	You must: (a) develop and maintain a decommissioning plan that is in accordance with the current decommissioning guidelines published by the Authority; (b) provide the decommissioning plan to the Authority upon request; (c) supply to the Authority an updated detailed decommissioning plan 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.

Standard conditions

DL_C01	Commissioning activities must be undertaken in accordance with the commissioning plan approved by the Authority.
DL_C02	You must immediately notify the Authority by calling 1300 EPA VIC (1300 372 842) in the event of: a) A discharge, emission or deposit which gives rise to, or may give rise to, actual or potential harm to human health or the environment; b) A malfunction, breakdown or failure of risk control measures at the site which could reasonably be expected to give rise to actual or potential harm to human health or the environment; or c) Any breach of the licence.
DL_W03	You must notify the Authority when the construction associated with the development activities covered by this approval has been completed.

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DL_W04	You must not commission or use the operating components of the development activities without the written approval of the Authority.
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Specific conditions

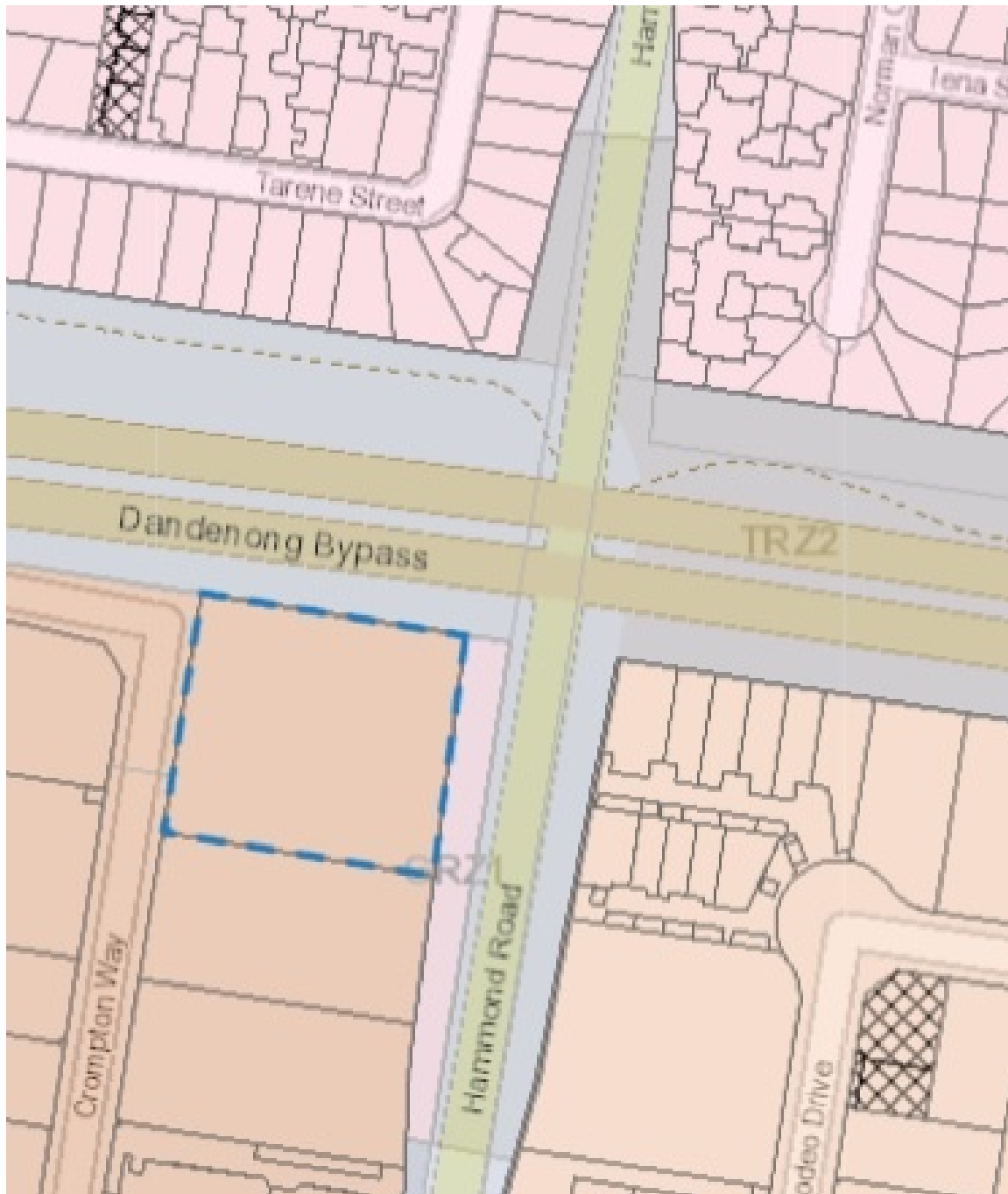
DL_R01	<p>At least 30 before the commencement of any commissioning, you must provide to the Authority a report that include(s):</p> <p>An updated commissioning plan for noise that includes commissioning details as presented in the Acoustic Report, acoustic memo dated 03/03/2023, technical memo revision 2 dated 7/8//2023 and further information memo dated 07/08/2023.</p> <p>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.</p>
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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Appendices

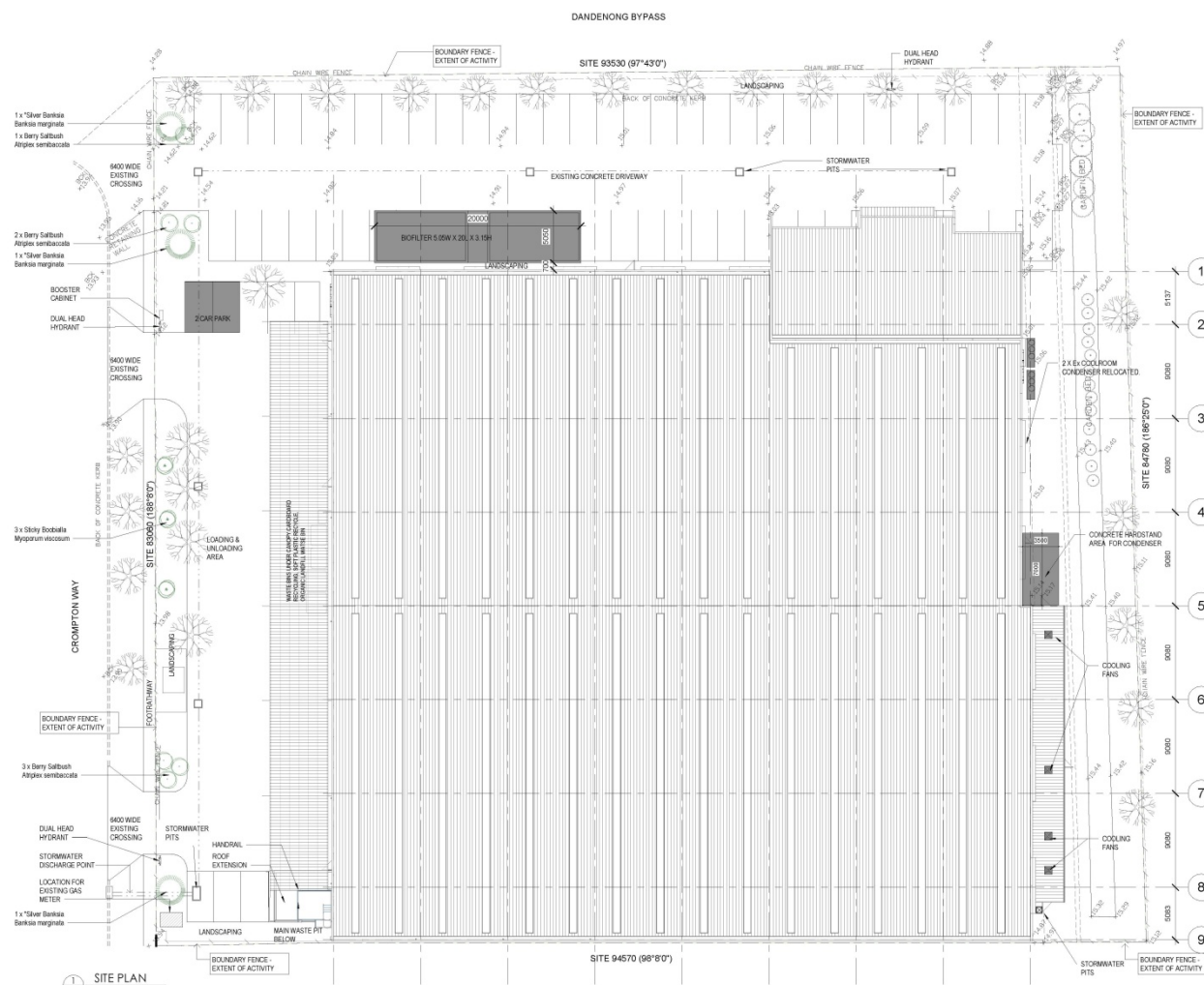
Appendix 1 – locality plan



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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RESIDENTIAL AREA ON OTHER NORTH SIDE OF DANDENONG BYPASS



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Appendix 3 – contour plan

There is no contour plan for this licence.

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Appendix 4 - waste acceptance table

There is no waste acceptance for this licence.

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Appendix 5 – air discharge table

There are no air discharge points for this licence.

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Appendix 6 –water discharge table

There are no water discharge points for this licence.

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Appendix 7 – landfill cells

There are no landfill cells for this licence.