

# Exemption

*Environment Protection Act 2017*

Exemption number	EXM000300090
Issue date	9 February 2023
Expiry date	30 June 2025
Applicant	GABRIELLE INGRAM PTY LTD
ACN	099179094
Registered address	28 Marlo Plains Rd, Marlo, Vic, 3888, Australia
Activity site	85 Marlo Plains Road, Marlo, Victoria, 3888, Australia
Prescribed permission activities	A03 (Sewage treatment) D09 (Beverage manufacturing)

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



Richard Hook  
Team Leader, Approvals  
Delegate of Environment Protection Authority Victoria (EPA)

[epa.vic.gov.au](http://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) or section 82(3)(a) 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.

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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.

### **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](http://www.epa.vic.gov.au).

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## Conditions

### General conditions

EX_1	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 this exemption.
EX_2	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 site as applicable); or (b) A change to an officer (as defined in the Act). You must update the EPA Portal if any other relevant administrative details for your business change.

### Specific conditions

EX_3	This exemption expires a) on the issue of an operating licence 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; or c) on the expiry date listed on the front page of this permission.
EX_4	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.
EX_5	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; (e) identifies and describes how you will continue to eliminate or minimise the risks in 1(a) (above) so far as reasonably practicable; and (f) describes how the information collated in compliance with this clause, is or will be disseminated, used or otherwise considered by you or any other entity. 2. The risk management and monitoring program must be: (a) documented in writing; (b) signed by a duly authorised officer of the licensed entity (c) made available to the Authority on request.
EX_6	Subject to the following conditions, this exemption allows you to: in accordance with the revised application APP012985 received on 2/11/2022 and 21/11/2022, and supporting information received under RFI002850 (received on 14/12/2022), RFI002901 (received on 13/1/2023), and an email received on 19/01/2023, construct and commission: (a) a brewery operation that produces up to 1.1 Mega litres of beer per year; (b) an advanced secondary wastewater treatment system to treat wastewater from the brewery at no more than 4,700 L/day; (c) a 2,350 L/day

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	capacity drip irrigation system for irrigating treated wastewater from the brewery including a 10,000 L storage tank; (d) pipe works for the purpose of providing non-potable uses of treated brewery wastewater (washdown water and toilet flushing); (e) a secondary wastewater treatment system to treat sewage from the cellar door sales area at no more than 5,020 L/per day; (f) a subsurface dispersal system for the purpose of treating wastewater from the cellar door sale area to a Class C effluent quality.
EX_7	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_8	You must undertake the following actions: Prior to commencing any activities, submit to the Authority: (i) final drawings and schematics of the wastewater treatment systems for the brewery and the cellar door sale area including capacity of all relevant equipment items; and (ii) appropriate noise mitigation measure to minimise noise emissions from the refrigeration compressors as far as reasonably practicable.
EX_9	You must maintain records that clearly specify: the activity has a planning permit or amendment to a planning scheme required under the Planning and Environment Act 1987 (Vic). This information must be made available to the Authority on request.
EX_C1	Commissioning activities must be undertaken in accordance with the approved commissioning plan referred to in condition EX_R1.
EX_C2	Construction and commissioning must not cause or result in any breach of any permission or exemption issued by the Authority for the permission or exempted activity, except where authorised by a condition of this exemption.
EX_C5	Within 40 business days of the completion of the approved activities, you must provide to EPA a written report that summarises the activities undertaken and includes: (a) results of the commissioning activities referred to in condition EX_R1; and (b) Health and Environment Management Plan for the proposed uses of treated wastewaters from the cellar door sales area and the brewery, that must include (but not limited to): (i) a soil management plan; (ii) a wastewater monitoring program for the two wastewater treatment plants; and (iii) a groundwater management plan.
EX_D4	You must notify the Authority when the developments covered by this exemption has been completed.
EX_D5	This exemption does not allow you to undertake any activities that are the subject of your application until the Authority has inspected the completed developments and provides written approval that such activities can be undertaken.
EX_R1	At least 20 business days before the commencement of any commissioning, you must provide to the Authority a commissioning plan that include(s): (a) a verification monitoring program for (i) the brewery wastewater treatment system to meet Class A recycled water for toilet flushing and Class B equivalent recycled water for

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brewery washdown use, and (ii) the cellar door sales area wastewater treatment system to meet Class C effluent; and (b) performance verification objectives of (i) the brewery wastewater treatment system to meet Class A recycled water for toilet flushing and Class B equivalent recycled water for brewery washdown use, and (ii) the cellar door sales area wastewater treatment system to meet Class C effluent.

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