



# Permissions proposal pathway guideline

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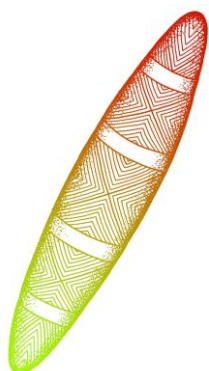
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EPA acknowledges Aboriginal people as the first peoples and Traditional custodians of the land and water on which we live, work and depend. We pay respect to Aboriginal Elders, past and present.

As Victoria's environmental regulator, we pay respect to how Country has been protected and cared for by Aboriginal people over many tens of thousands of years.

We acknowledge the unique spiritual and cultural significance of land, water and all that is in the environment to Traditional Owners, and recognise their continuing connection to, and aspirations for Country.



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### Purpose

The purpose of this guideline is to support permission applicants to complete the permission proposal pathway form. Within this, the guide is designed to help applicants understand the process related to the form. Also, to understand the framework that EPA refers to when determining the appropriate regulatory pathway for your proposed activity.

This guideline includes information about:

- the permission proposal pathway process
- the pathway decision framework
- how to complete a pathway form
- timeframes for pathway outcomes.

The pathway process has been developed as a commitment to facilitate interaction between Environment Protection Authority Victoria (EPA) and those regulated through statutory permissions. While the process is formalised and facilitates efficiencies for permissions, it's not a statutory process. It's a pre-application step that aims to provide clarity to applicants.

It is not always necessary for an applicant to complete a permission pathway form to receive a pathway outcome. Where the necessary permission is clear, an applicant seeking a pathway opinion can do so as part of a meeting with us or through correspondence. Whether through the submission of a pathway form or during a pathway meeting, we will still require a sufficient level of information about your proposed activity. This is to ensure the correct opinion can be provided. Once we have all the information we need, we can then work through the process with you to determine the pathway outcome.

If an applicant doesn't complete the form or provide enough information on their proposal, we can't determine a suitable pathway. This can lead to unnecessary application processing delays or costs to the applicant.

If you have any questions at any stage of the permissions process, please contact EPA by emailing [permissions@epa.vic.gov.au](mailto:permissions@epa.vic.gov.au)

### How the permission proposal pathway process works

The permissions proposal pathway process (pathway process) is designed to facilitate and guide an applicant through the permissions process. It's also the first step towards gaining a permission from EPA. The information you provide in the pathway form allows us to determine what level of assessment is required for your proposed prescribed activity and the most appropriate legislative pathway.

The different permission pathway outcomes include:

- development licence (either standard or fast-track)
- operating licence
- pilot project licence
- permit
- registration
- an exemption from a licence or permit
- no permission required
- amendment to a licence or permit.

See Table 1 for additional details.

If you would like to apply for a permission or another authorisation not listed as an outcome here, please consult [EPA's website](#).

**Note:** The pathway process is not a final statutory decision and the pathway outcome may change through the application process if EPA detects discrepancies in the information provided, discovers risks that were not previously realised, or where significant stakeholder concerns are identified. While we try to avoid altering the pathway decision, if circumstances require it, we will. EPA will inform applicants when there is any change or when more information is required.

## Understanding the pathway decision framework

The following table outlines EPA's pathway decision framework.

**Table 1: EPA categories of pathway decisions**

Category	Description	Further stages
Standard development licence	<ul style="list-style-type: none"> <li>involves the design and/or construction phase of an activity, or a major procedural, technical or operational alteration to an activity specified in an operating licence</li> <li>proposed activity representing a highly complex risk to human health and the environment</li> <li>comprehensive pre-application community engagement shows need to address community interest/concern during the assessment process</li> <li>describing circumstances for this type of permission can be found in section 69 of the <i>Environment Protection Act 2017</i> (the Act).</li> </ul>	Submission of final permission application required
Fast-track development licence <sup>1</sup>	<ul style="list-style-type: none"> <li>involves the design and/or construction phase of an activity, or a simple technical or operational alteration to an activity specified in an operating licence.</li> <li>proposed activity with complex risks to human health and the environment</li> <li>proposal demonstrates clear compliance with all legislative requirements</li> <li>comprehensive pre-application community engagement by an applicant shows high community acceptance of the proposal</li> </ul>	Submission of final permission application required

<sup>1</sup> There may be instances where a fast-track development licence may become a standard development licence during the assessment process; for example, because of issues raised during community consultation, or due to reassessment of risk to human health or the environment. Applicants will be notified if this occurs.

Category	Description	Further stages
Operating licence	<ul style="list-style-type: none"> <li>• involves the ongoing operation of an activity</li> <li>• activity with high risks to human health and environment</li> <li>• describing circumstances for this type of permission can be found in section 74 of the Act</li> </ul>	Submission of final permission application required
Pilot project licence	<ul style="list-style-type: none"> <li>• involves the research, development or demonstration of a technology or technique</li> <li>• limited in scale, duration, dimension and environmental impact</li> <li>• describing circumstances for this type of permission can be found in section 77 and section 78 of the Act</li> </ul>	Submission of final permission application required
Permit	<ul style="list-style-type: none"> <li>• involves a proposed or operational activity of medium to high risk, but low complexity regulated by the EPA</li> <li>• describing circumstances for this type of permission can be found in section 81 of the Act</li> </ul>	Submission of final permission application required
Registration	<ul style="list-style-type: none"> <li>• involves a proposed or operational activity of low risk and low complexity but regulated by the EPA</li> <li>• describing circumstances for this type of permission can be found in section 85 of the Act</li> </ul>	Submission of final permission application required
Exemption from licence or permit	<ul style="list-style-type: none"> <li>• involves a proposed or operational activity which demonstrates clear compliance with all legislative requirements</li> <li>• comprehensive pre-application community engagement by an applicant shows high community acceptance of the proposal</li> <li>• describing circumstances for this type of exemption can be found in section 80 and section 82 in the Act</li> </ul>	Submission of final permission application required
Amendment to a licence or permit	<ul style="list-style-type: none"> <li>• involves the change to an issued permission</li> </ul>	Submission of final permission application required
No permission required	<ul style="list-style-type: none"> <li>• involves an activity that is not regulated through a permission by EPA</li> </ul>	No further stage

### How to complete the pathway form

The permissions proposal pathway form consists of four sections: A, B, C and D. The following information explains how to complete each of the questions within the four sections.

#### Section A

The purpose of Section A of the pathway form is to identify who is the legal entity making the application.

##### **Company or business name**

The applicant is the legal entity making the application and must be the occupier of the premises. You need to:

- provide the registered company name and a copy of the ASIC Certificate of Incorporation; or
- if you are not an incorporated company, you will need to provide the individual legal names and a copy of the ASIC Certificate of Registration.

##### **CEO or an equivalent company authority**

Provide the details of the legally authorised person; for example, director or secretary, who is acting on behalf of the company or business making the application.

##### **Primary contact details**

Provide the contact details for the person within the company who will be dealing with EPA throughout the application process.

##### **Australian Business or Company Number (ABN or ACN)**

Provide your ABN or ACN, the registered office address and billing email address where invoices and financial queries are directed.

##### **ID(s) for any current permission**

Provide any EPA permission or other authorisation number relating to the activity.

##### **Consultant/environmental auditor details**

If you are using a consultant or environmental auditor to assist with your application, you may also provide their details. It's important to provide all the details requested here so that EPA can communicate easily with the key contact, as required.

#### Section B

Section B asks you to provide a description of your proposed activity and how it meets the obligations of the Act and subordinate legislation. You should also attach any supporting information. EPA will need you to provide sufficient detail for us to be able to make our decision on the pathway proposal.

##### **Proposal/activity name**

Provide a name that easily identifies the proposal or project.

##### **Capital costs**

Provide the capital cost of the project. This means the cost of the proposed capital works that are associated with the activity for which you're requiring a permission. This includes items such as plant, equipment and controls. It does not include items such as offices and car parks.

### **Type of proposed activity**

Provide details on the type of activity that is proposed, where possible referring to the category of prescribed activities. Prescribed activities are found in the Environment Protection Regulations (Appendix A of this document also summarises the list of prescribed activities). If your industry is not a prescribed activity, you may not need to seek an EPA permission. We will confirm the activity categorisation as a part of its pathway assessment process. If you're unsure whether a permission is required, or have any questions when completing the proposal form, please contact EPA.

### **Description of the proposed activity**

Provide a detailed description of the proposal, along with detailed supporting information such as diagrams, tables, or risk assessments, to help describe your proposal. It's important to provide sufficient information for EPA so we can understand the proposal and make an accurate pathway decision. Incomplete forms will be returned to you with a request to provide further information.

### **Fixed or mobile activity**

Identify if the proposed activity will occur at a location that is fixed or is mobile (meaning it will occur over multiple locations).

### **Activity address**

Provide the address where the proposed activity will take place.

### **Pilot project**

Identify if the proposed activity is for technology development or research. Explain the circumstances surrounding the project including scale, duration, dimension, goals, purpose, expected outcome and plans for the activity's future.

### **Best available techniques and technology**

For the majority of pathway outcomes, you'll need to demonstrate that the proposed activity will be using the best available techniques and technology (BATT). You must identify how, at an early stage in the design, the activity has adopted the BATT to be protective of human health and the environment. Demonstrating how the proposal represents BATT may result in a less time-consuming and less complex regulatory process.

### **Emissions, discharges or impact on human health and the environment**

EPA expects you to answer all parts of this question, considering how the proposed activity meets the requirements of the Act and subordinate legislation. To support your answers, you should attach any evidence and data behind these predicted emissions. One reason for this question is to help us decide whether or not an exemption applies. For example, this may be the outcome when an activity doesn't emit more than specified threshold limits for several substances.

### **Changes to an existing permission**

This question should only be answered by current EPA permission holders. If you need to change something in your current permission, please follow the instructions in the question. You should also describe and support, with evidence, what the environmental impact will be. You need to demonstrate how the proposed change to your permission will not result in an increased impact on human health or the environment. The type of evidence required will also depend on the change being requested.



### Background conditions

This question asks you to identify where the proposed activity will sit within the surrounding environment and explain how that might impact human health and the environment. To further assist the analysis of risk visually, descriptions must be accompanied by the following attached maps and figures:

- **site plan** – showing the layout of your proposal (jpg format). The site plan should be drawn to scale and indicate the site boundary. Also include the premise's dimensions, and any buildings, roads, discharge points or sampling locations. It should also show any features relevant to your application; for example, dams, treatment lagoons, waterways and drainage, storage areas and bunding
- **planning locality plan** – showing surrounding land uses (jpg format). It should cover a two-kilometre radius (or other distance as relevant) and indicate clearly: road names at the premise's borders, houses, waterways and any other features relevant to your application
- **planning zoning map** – showing current land use zones
- **sensitive land use map** – (jpg format). Sensitive land uses include:
  - land used for a residential dwelling (other than a caretaker's house on industrial or commercial premises)
  - hospital
  - school
  - caravan park or other similar use involving the presence of individual people for extended periods (except in the course of their employment or recreation).

The map should include details of buffer distances and documentation of mechanisms put in place to mitigate environmental risk.

All maps and figures should be clearly labelled and contain orientation, scale and a key/legend where relevant.

### Risk assessment

Businesses that conduct activities that have a risk of harm to human health or the environment from pollution or waste have a duty to manage these risks. Provide your analysis of the various risks from your activity to human health and the environment and how you have eliminated them.

For risks that cannot be eliminated, provide details as to how you have reduced them as far as reasonably practicable. EPA's website ([www.epa.vic.gov.au](http://www.epa.vic.gov.au)) contains additional resources that will help when considering risk from an activity.

### Engagement, authorisation, and permissions from other authorities

Describe whether you require any other kinds of permissions or authorisations from other regulators to undertake your activity. Also, provide information on the status of any engagement you have had as part of that process. This will allow EPA to understand and coordinate any potential conflicts with the decisions of other regulators.

### Community and third-party engagement

Being in touch with stakeholders and maintaining a relationship has been shown to be a positive step towards being good corporate citizens. Due to this, we emphasise that you carry out your own engagement and consultation before making an application to us.

Community and third-party interest can come from any person(s) for the activity proposal (that is not EPA or the applicant) including:

- other businesses and competitors
- fence line and surrounding neighbours
- local residents
- various community or association groups.

Third-party/stakeholder interest will range from high to low, often depending on the proposal and a range of other factors.

### ***What your engagement needs to demonstrate***

EPA expects you to have engaged with the interested and impacted stakeholders and other third parties regarding your activity. Your pathway and any subsequent application will require an explanation of your engagement, supported by evidence.

When third-party engagement and consultation is done well and at an early stage, our assessment can often be completed sooner.

The aim of early engagement and consultation with stakeholders is to:

- meaningfully consult with stakeholders and the public about the proposal
- listen to, understand, and seek resolution to questions or concerns that are raised
- provide an opportunity to scope out potential issues, concerns and risks, to address these as part of the application.

The level of engagement/consultation will vary with the type of industry being proposed, the distance to residents, and any community or environment groups that may have an interest in your proposal. Demographics of the surrounding area will also make a difference, and we will look at how you may have tailored your engagement/consultation to suit this.

Other stakeholders can also include other regulatory authorities or decision-makers, such as local government, independent authorities (for example, catchment management authorities, waste groups) or State Government (for example, Earth Resources Regulation). A pathway outcome can include the identification of combining joint publication with other authorities when there is also an application for public works under the *Environmental Effects Act 1978*, or a planning permit or planning scheme amendment under the *Planning and Environment Act 1987*.

As part of an assessment, we will consider the type of concerns the stakeholders have and the outcomes of your engagement/consultation. EPA does not put a weighting on the number of concerns specifically, but rather the issues raised and how they have been resolved. EPA will also consider the quality of engagement performed or proposed by you.

### ***Objections to your proposal***

EPA understands that engagement/consultation can be difficult, especially if a company has not had contact with stakeholders before. We understand that some stakeholders may never be satisfied with the level of engagement/consultation carried out or with the proposed activity. If this occurs, we expect that you record the process you took and the outcomes, whether positive or negative. Having this sort of disagreement with stakeholders doesn't mean that you are ineligible for a permission. It does mean, however, we want to see that you have genuinely consulted and sought resolution of potential impacts, where possible.

During our assessment, we may contact objectors to confirm the engagement/consultation that was carried out.

### Section C

Section C identifies documents that are a requirement for all pathway applications. It also allows you to detail any additional evidence being submitted in support of your pathway application. Providing this information assists EPA in getting a complete understanding of your application. Further instructions and examples are provided in the pathway form.

It is important to note that the pathway process does not replace a permission application. In some instances where a pathway is clear, a pathway decision can be made as part of a meeting with us or through correspondence. We accept the level of detail provided in the pathway can be less than when you make your final application. However, we will need sufficient information and evidence for us to understand the activity's risks and proposed controls to make our pathway decision. In all cases, the full detail will need to be provided during the final permission application process.

### Commercial-in-confidence

EPA asks that commercial-in-confidence material is not incorporated in the proposal without clearly marking it as 'commercial-in-confidence'. We also prefer to receive a commercial-in-confidence document as a separate hard copy, which is hand-delivered to an officer. This material will be filed separately to ensure its security.

### Section D

The person who is making the application must provide a declaration that the information is true and correct to the best of their knowledge. Giving false or misleading information is a serious offence. The person making the declaration may be liable for a criminal or civil penalty for giving false or misleading information. You should seek clarification from EPA if you have any concerns.

## Timeframes for pathway decisions

Once your pathway form and any supporting information have been submitted, a decision will be made about the pathway for your proposed activity within two weeks. This pathway outcome, however, is only used to direct you to the most suitable permission for your proposed activity. The next step is the actual permission application and assessment, which has a separate permission process and timeframe. It's only once the final relevant permission or authorisation has been issued that your activity can begin.

The benefit of participating in a pathway process is that it provides you with clarity, including an interpretation of the regulations for your specific situation. It's also a process with deliberately short decision timeframes to facilitate your subsequent permission process, including the possible exemption and fast-track processes.

Table 2 provides more information on the decision timeframes for a pathway and the subsequent permission application assessment.

**Table 2: Timeframes for pathway and subsequent permission application decisions**

Category	Pathway decision timeframes	Permission application decision timeframes*
Standard development licence	Two weeks	Within 60 business days after the application has been accepted
Fast-track development licence	Two weeks	Within 30 business days after the application has been accepted
Operating licence	Two weeks	Within 30 business days after the application has been accepted (dependent on activity type)
Pilot project licence	Two weeks	Within 15 business days after the application has been accepted
Permit	Two weeks	Within 30 business days after the application has been accepted (dependent on activity type)
Registration	Two weeks	10 business days after the application has been accepted
Exemption from licence or permit	Two weeks	Dependent on permission and activity
Amendment to a licence or permit	Two weeks	Dependent on permission and activity
No permission required	Two weeks	No further application stage required

\* These timeframes are not the statutory requirement. They are the timeframes that EPA will make our best effort to meet.

## Appendix A: Prescribed activities

Prescribed activity code and description	Prescribed permission	
A01 – Reportable priority waste management	Development licence	Operational licence
A02a – Other waste treatment (incineration)	Development licence	Operational licence
A02b – Other waste treatment (e-waste > 500 tonnes)	Development licence	Operational licence
A02c – Other waste treatment (e-waste 500 tonnes or less)	Registration	
A03 – Sewage treatment	Development licence	Operational licence
A04 – Industrial wastewater treatment	Development licence	Operational licence
A05a – Landfills (excluding municipal landfills) servicing > 5,000 people	Development licence	Operational licence
A05b – Municipal landfills servicing < 5,000 people	Development licence	Permit
A06 – Disposal to land	Development licence	Operational licence
A07a – Organic waste processing	Development licence	Operational licence
A07b – Organic waste processing (small)	Registration	
A08 – Waste to energy	Development licence	Operational licence
A09a – Waste tyre storage (large)	Development licence	Operational licence
A09b – Waste tyre storage (small)	Registration	
A10a – Reportable priority waste (transport) – high risk	Permit	
A10b – Reportable priority waste (transport) – other	Registration	
A11 – Transporting waste into Victoria	Permit	
A12 – Transporting waste out of Victoria	Permit	
A13a – Waste and resource recovery (large)	Development licence	Operational licence
A13b – Waste and resource recovery (medium)	Development licence	Permit
A13c – Waste and resource recovery (small)	Registration	
A14 – Reclaimed wastewater supply or use	Permit	

Prescribed activity code and description	Prescribed permission	
A15 – Biosolids supply or use	Permit	
A16 – Supply or use of reportable priority waste	Permit	
A17 – Containment of category D soil	Permit	
A18 – Discharge or deposit of waste to aquifer	Permit	
A19 – Temporary on-site waste treatment	Permit	
A20 – On-site wastewater management systems	Permit (issued by municipal council)	
A21 – Temporary storage (biomedical waste)	Registration	
A22 – Temporary storage (asbestos)	Registration	
A23 – Temporary storage (designated waste)	Registration	
B01a – Animal industries (waste solely to land)	Development licence	Permit
B01b – Animal industries (waste not solely to land)	Development licence	Operational licence
B02a – Livestock saleyards or holding pens (waste solely to land)	Development licence	Permit
B02b – Livestock saleyards or holding pens (waste not solely to land)	Development licence	Operational licence
B03 – Fish farms	Development licence	Operational licence
C01 – Extractive industry and mining	Development licence	Operational licence
D01 – Abattoirs	Development licence	Operational licence
D02 – Rendering	Development licence	Operational licence
D03 – Animal skin tanning works	Development licence	Operational licence
D04 – Seafood processing	Development licence	
D05 – Pet food processing	Development licence	Operational licence
D06 – Food processing	Development licence	Operational licence
D07 – Milk processing	Development licence	Operational licence
D08 – Edible oil or fat processing	Development licence	Operational licence
D09 – Beverage manufacturing	Development licence	Operational licence

Prescribed activity code and description	Prescribed permission	
E01 – Textile works	Development licence	Operational licence
F01 – Timber preserving works	Development licence	
F02 – Fibreboard works	Development licence	Operational licence
F03 – Paper pulp mills	Development licence	Operational licence
G01 – Chemical works	Development licence	Operational licence
G02 – Coal processing	Development licence	Operational licence
G03 – Oil and gas refining	Development licence	Operational licence
G04 – Bulk storage	Development licence	Operational licence
G05 – Container washing	Development licence	Operational licence
H01 – Cement works	Development licence	Operational licence
H02 – Bitumen or asphalt batching	Development licence	
H03 – Ceramics	Development licence	Operational licence
H04 – Mineral wool works	Development licence	Operational licence
H05a – Glass works (manufacturing)	Development licence	Operational licence
H05b – Glass works (large reprocessing)	Development licence	Operational licence
H05c – Glass works (small reprocessing)	Registration	
I01 – Primary metallurgical	Development licence	Operational licence
I02 – Metal melting	Development licence	Operational licence
I03 – Metal galvanising	Development licence	Operational licence
I04 – Metal finishing	Development licence	Operational licence
I05 – Can and drum coating	Development licence	Operational licence
I06 – Vehicle assembly	Development licence	Operational licence
J01 – Printing	Development licence	Operational licence
K01 – Power generation	Development licence	Operational licence
K02 – Carbon geosequestration	Development licence	Operational licence
K04 – Water desalination	Development licence	Operational licence
L01 – General discharges or emissions to the atmosphere	Development licence	Operational licence

Prescribed activity code and description	Prescribed permission	
L02 – Contaminated sites (on-site soil containment)	Development licence	
L03 – Road tunnel ventilation systems	Development licence	Operational licence
L05 – Operation outside of hours or extended operations	Permit	
L06 – Conducting more than six outdoor concerts	Permit	
L07 – Dry cleaning	Registration	
L08 – Receiving waste acid sulphate soils for treatment	Registration	