

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**ADMINISTRATIVE DIVISION**

**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NOS. P1816/2011, P1818/2011  
P1820/2011, P1822/2011, P1829/2011 & P1846/2011

**IN P1829/2011 & P1846/2011 BETWEEN:**

**DUAL GAS PTY LTD** Applicant

and

**ENVIRONMENT PROTECTION AUTHORITY** Respondent / Authority

**IN P1816/2011, P1818/2011, P1820/2011 & P1822/2011 BETWEEN:**

**MARTIN SHIELD (P1816/2011)**

**DOCTORS FOR THE ENVIRONMENT AUSTRALIA INC (P1818/2011)**

**ENVIRONMENT VICTORIA INC (P1820/2011)**

**LOCALS INTO VICTORIA'S ENVIRONMENT INC (P1822/2011)** Applicant

and

**ENVIRONMENT PROTECTION AUTHORITY** Respondent / Authority

and

**DUAL GAS PTY LTD** Respondent

**OUTLINE OF SUBMISSIONS**  
**ON BEHALF OF THE ENVIRONMENT PROTECTION AUTHORITY**

**A. Introduction**

1. This is the written Outline of Submissions on behalf of the EPA, which is filed and served in accordance with Order 23 of the orders made by Deputy President Dwyer on 18 July 2011.
2. This Outline of Submissions does not address the evidence filed in the proceedings because not all of the evidence had been filed at the time these submissions were prepared.

**B. Context**

3. The electricity sector represents around 36 per cent of Australia's total greenhouse gas (GHG) emissions.

4. Coal-fired electricity generation accounts for 89 per cent of the electricity sector's GHG emissions.
5. In 2009, Victoria's greenhouse gas emissions were estimated at approximately 122 million (tCO<sub>2</sub>-e/yr).
6. The National Greenhouse Gas Inventory (2009) estimates that emissions from fuel combustion in energy industries generated approximately 68.5 MtCO<sub>2</sub>-e/yr (approximately 56% of the Victorian total GHG emissions of 122 million (tCO<sub>2</sub>-e/yr)).
7. Victoria's high emissions totals result from a reliance on brown coal, a GHG intensive fuel, for electricity production. Over ninety per cent of Victoria's electricity is produced from brown coal.
8. Victoria's existing coal fuelled power stations were built decades ago:
  - a. Hazelwood Power Station: 1600MW commissioned 1964-1971;
  - b. Loy Yang Power Station: constructed in the 1980s to 1990s;
    - i. Loy Yang A: 2000MW commissioned 1983-89 (upgraded to 2200MW in the mid 2000s);
    - ii. Loy Yang B: 1000MW commissioned 1991-93 (upgraded to 1050MW in mid 2000s);
  - c. Energy Brix Power Station: 164MW commissioned 1950/60s;
  - d. Yallourn Power Station: Yallourn W 1450MW commissioned 1973-1982; and
  - e. Anglesea Power Station: 150MW built late 1960s.
9. Dual Gas will be one of the largest GHG emitters in Victoria (regardless of whether or not the Dual Gas Demonstration Plant (**DGDP**) is a 300MW (as approved in WA67043) or 600MW power station (as proposed by Dual Gas)).
10. Predicted changes in Victoria's climate in 2030/70 (compared to 1990) include:
  - a. increased average annual temperatures;
  - b. increased days each year when temperatures exceed 35 degrees Celsius; and
  - c. decreased average annual rainfall.
11. The *Climate Change Act 2010*:
  - a. followed on from the White Paper (July 2010);
  - b. commenced on 1 July 2011;
  - c. (among other things) legislates for the Minister to ensure that by 2020, Victoria's GHG emissions is 20% below the amount of Victoria's GHGs emissions for 2000;
  - d. makes mandatory that decision-makers have regard to:
    - i. Potential impacts of climate change; and

- ii. Contributions from the development to Victoria's GHG emissions.

## **C. The Dual Gas Demonstration Project**

12. The Works Approval application, and EPA Works Approval dated 20 May 2011 (**WA67043**), are for the "Dual Gas Demonstration Project".
13. The DGDP (as detailed in Works Approval application) is:
  - a. a 600MW power station;
  - b. to be built in 2 stages:
    - i. Stage 1 (approximately 2 years), including construction of:
      1. the first integrated dryer and gasifier (IDG) plant;
      2. 2 (E class) gas turbines, 2 heat recovery steam generators and 1 steam turbine;
    - ii. Stage 2 (*if Stage 1 is successful*) comprising the construction of the second integrated dryer and gasifier (IDG) plant.
14. The "Dual Gas Demonstration Project" aims to demonstrate Dual Gas/HRL's integrated drying and gasification technology at "commercial scale".
15. In paragraph 4 (b) of the Further and Better Particulars dated 25 August 2011 (filed in P1846/11), Dual Gas admits that a 300MW facility would demonstrate the technology, provided it were viable.
16. Victoria's GHG emissions profile (based on 2009 levels of 122 million t CO<sub>2</sub> –e/pa) will be increased by the DGDP.

## **D. Overview of WA67043**

### **I. GHG emissions**

17. The 2nd E class gas turbine is not required to demonstrate the integrated drying and gasification technology.
18. The 2nd E class gas turbine operating on natural gas is not "best practice" for the management of GHG emissions as required by State Environment Protection Policy (Air Quality Management) (**SEPP AQM**).
19. WA67043 approved one train only (one IDG unit and one E class combined cycle Gas Turbine with a sent out capacity of not more than 300MW) because that was:
  - a. "best practice" for the management of GHG emissions (and therefore compliant with SEPP AQM);

- b. the appropriate precautionary approach which:
  - i. allowed Dual Gas to demonstrate the technology; and
  - ii. minimised the risks of 2 E class gas turbines (with higher GHG emissions/MWh than a more efficient F class gas turbine) operating indefinitely on natural gas which is not “best practice”;
- c. preferable because it gives greater flexibility and enables EPA to fully reconsider the second train in light of the legislative, policy and best practice requirements at the time of any application for the second train.

20. Dual Gas:

- a. agrees to meet a Greenhouse Emissions Intensity (GEI) of 0.8tCO<sub>2</sub>-e/MWh (Condition 2.1 in WA67043); and
- b. has not made an application for review of Condition 2.1 in WA67043 (the condition requiring Dual Gas to meet a GEI of 0.8tCO<sub>2</sub>-e/MWh requirement) in these proceedings.

## **II. SO<sub>2</sub> emissions**

- 21. Modelling of SO<sub>2</sub> emissions from the DGDP shows that SO<sub>2</sub> will not meet the Schedule A (SEPP AQM) SO<sub>2</sub> design criteria of 0.45mg/m<sup>3</sup>.
- 22. Condition 3.1 (a) of WA67043 requires SO<sub>2</sub> reduction equipment to reduce emissions by at least 90% of uncontrolled emissions. Condition 3.1 (a) of WA67043 is required to ensure the DGDP complies with “best practice” requirements in SEPP AQM.

## **III. NO<sub>x</sub> emissions**

- 23. NO<sub>x</sub> emissions from the DGDP will exceed the SEPP AQM Schedule E limit (0.07 g/m<sup>3</sup> for gaseous fuels).
- 24. Modelling of NO<sub>x</sub> emissions from the DGDP shows that NO<sub>x</sub> will meet the Schedule A (SEPP AQM) NO<sub>2</sub> design criteria of 0.19mg/m<sup>3</sup>.
- 25. EPA has exempted the DGDP from compliance with Schedule E under clause 22 of SEPP AQM (for oxides of nitrogen).

## **IV. Noise**

- 26. To take account of current and future noise emitters (other than Dual Gas), a noise design target for the DGDP of 5 decibels below the SEPP N1 noise limits at 3 residential locations in Morwell is required.

## **E. Statutory Framework Applicable to Applications for Review**

27. There are 2 relevant statutes which are applicable to these applications for review:

- a. *Environment Protection Act (EP Act)*; and
- b. *Climate Change Act (CC Act)*.

### **I. EP Act- Statutory Framework for VCAT Review**

28. In determining an application for review, VCAT must (among other things) comply with s 37A (c) which requires that the Tribunal must take account of, and give effect to, any relevant State Environment Protection Policy (**SEPP**) or Waste Management Policy (**WMP**).

### **II. EP Act - Statutory Framework for the Assessment of Works Approval Applications under the EP Act**

#### **Introduction**

29. Parliament's stated intention is that in the administration of the EP Act regard should be given to the "Principles of Environment Protection" set out in s1B-1L of the EP Act.
30. Further, Works Approval applications and EPA decisions to issue WAs are specifically governed by Part III (Division 2) of the EP Act.

#### **Principles of Environment Protection**

31. The relevant "Principles of Environment Protection" include:
- a. Principle of Integration of Economic, Social and Environmental Considerations;
  - b. The Precautionary Principle;
  - c. Principle of Intergenerational Equity;
  - d. Principle of Conservation of Biological Diversity and Ecological Integrity; and
  - e. Principle of Wastes Hierarchy.

#### **Principle of Integration of Economic, Social and Environmental Considerations**

##### **Introduction**

32. This Principle is in s 1B of the EP Act and clause 7 (1) of SEPP AQM.

##### **Case law**

33. Relevant cases include:
- a. *Telstra Corporation Limited v Hornsby Shire Council* [2006] NSWLEC 133

- b. *Lindner & Whetstone v Regional Council of Goyder & Others (No 2)* [2006] SAERDC

67

### **Analysis of s1B (3)**

34. Part (3) of the Principle (s1B (3)) requires that the measures adopted should be cost-effective and in proportion to the significance of the environmental problems being addressed.
35. Part (3) of the Principle has 2 limbs - the measures adopted must be:
- a. cost-effective; and
  - b. in proportion to the significance of the environmental problems being addressed.

### **The Precautionary Principle**

#### **Introduction**

36. This Principle is set out in s 1C of the EP Act and clause 7 (2) of SEPP AQM.
37. The Precautionary Principle is directly applicable to climate change caused by anthropogenic GHG emissions.
38. The Precautionary Principle has been directly applied in the context of Climate Change in Article 3(3) of the *United Nations Framework Convention on Climate Change* (which Australia is a party to).

#### **The Science**

39. There is a large body of science about the risks of damage to the environment resulting from anthropogenic climate change caused by GHG emissions and associated expressions of scientific uncertainties about climate change.
40. Risks associated with damage to the environment resulting from climate change caused by GHG emissions and the scientific uncertainties are detailed in the Intergovernmental Panel on Climate Change "Fourth Assessment Report" (AR4).<sup>1</sup>
41. Relevant cases concerning AR4 include:
- a. *Printz v Glenelg* [2010] VCAT 1975; and
  - b. *Taralga Landscape Guardians Inc v Minister for Planning and RES Southern Cross Pty Ltd* [2007] NSWLEC 59 (at [68]).

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<sup>1</sup> Intergovernmental Panel on Climate Change (2007) *Climate Change 2007 – Synthesis Report, A Report of the Intergovernmental Panel on Climate Change, IPCC (Climate Change 2007, Synthesis Report)*

### **Victorian Government Policy on Climate Change**

42. The Victorian Government has developed a range of policies on climate change which are listed on the Government's website (<http://www.climatechange.vic.gov.au/publications>), maintained by DSE, and include (in descending date order back to 2008):
- a. Climate Change White Paper- The Implementation Plan (October 2010);
  - b. Climate Change White Paper- Action Plan (July 2010);
  - c. Victoria's Energy Future (2010);
  - d. Green Paper (July 2009); and
  - e. A Climate of Opportunity Summit Paper: Victorian Climate Change Summit (April 2008)
43. The Government's policy position on climate change:
- a. was set in the "*Climate Change White Paper- The Implementation Plan*"; and
  - b. is set out in the Preamble to the *Climate Change Act*.

### **Case law**

44. The principal Victorian cases on the Precautionary Principle and climate change include:
- a. *Telstra Corporation Limited v Hornsby Shire Council* [2006] NSWLEC 133;
  - b. *Environment East Gippsland Inc v VicForests* [2010] VSC 335 (*Brown Mountain case*);
  - c. *Western Water v Rozen* [2008] VSC 382 (*Western Water case*);
  - d. *Alanvale Pty Ltd & Anor v Southern Rural Water & Ors* [2010] VCAT 480;
  - e. *Paul v Goulburn Murray Water Corporation* [2010] VCAT 1755.
45. Other relevant cases on the Precautionary Principle and climate change include:
- a. *Greenpeace Australia Ltd v Redbank Power Company Pty Ltd and Singleton Council* (1994) 86 LGERA 143;
  - b. *Gray v Minister for Planning* (2006) 152 LGERA 258;
  - c. *Walker v Minister for Planning* [2007] NSWLEC 741.
46. The cumulative impact of GHG emissions is a relevant consideration for a decision maker under section 14 (3) of the CC Act.
47. Scientific support for a link between a rise in global temperatures and an increase in the atmosphere in the concentration of GHGs resulting from human activities has been recognised by the cases listed in *Walker v Minister for Planning* [2007] NSWLEC 741 (at [126]).

### **Application of Principle to DGDP**

48. The Precautionary Principle is activated by the DGDP because:
- a. there is a real threat of serious or irreversible environmental damage; and
  - b. it is attended by a lack of full scientific certainty.
49. The measures required by the condition(s) in WA67043 are a proportionate response to the threat particularly having regard to the cumulative impact of GHG emissions (including GHGs from the DGDP, itself a single large source of GHG emissions).

### **Principle of Intergenerational Equity**

50. This Principle is set out in s 1D of the EP Act and clause 7 (3) of SEPP AQM.
51. Relevant cases include *Taralga Landscape Guardians Inc v Minister for Planning and RES Southern Cross Pty Ltd* [2007] NSWLEC 59.

### **Principle of Conservation of Biological Diversity and Ecological Integrity**

52. This Principle is set out in s 1E of the EP Act and clause 7 (4) of SEPP AQM.
53. Relevant cases include *Gray v Minister for Planning* (2006) 152 LGERA 258.

### **Part III (Division 2) of the EP Act**

#### ***Statutory Framework***

54. The proposed DGDP power station is a scheduled premise requiring a Works Approval under Part III (Division 2) of the EP Act.
55. EPA/VCAT, in considering Dual Gas' application for the issue of a Works Approval, must have regard to SEPPs and WMPs so that the Works Approval and any condition in, or relating to, the Works Approval is consistent with all applicable SEPPs and WMPs.
56. EPA/VCAT may refuse to issue a Works Approval if, in the opinion of EPA/VCAT, the issue of a Works Approval would be:
- a. contrary to, or inconsistent with, any applicable SEPPs and WMPs; or
  - b. likely to cause, or contribute to, pollution; or
  - c. likely to cause an environmental hazard.
57. In issuing a Works Approval, EPA/VCAT may impose conditions in relation to the Works Approval that require the observance of standards that are more stringent than would be required by the applicable SEPPs and WMPs if the EPA is satisfied that:
- a. Local environmental conditions require a higher level of protection than would otherwise be required; or

- b. The pollution control technology or noise control technology required to achieve more stringent standards is commonly available in the industry.
58. Further, in issuing a Works Approval, the EPA/VCAT may specify special conditions including that the occupier shall take the measures specified by the EPA for the purposes of minimising the possibility of pollution occurring as a result of any activity proposed to be conducted in any part of the premises.
59. EPA/VCAT must take into account replies, comments, etc received from Department of Health under s 19B (4) and Latrobe City Council under s 19B (4A) and (4B).

### **III. Relevant SEPPs**

60. The most relevant SEPP in these proceedings is SEPP AQM. There are no relevant WMPs.

### **IV. SEPP AQM**

#### **Introduction**

61. The “aims”<sup>2</sup> “principles”<sup>3</sup> and “intent”<sup>4</sup> of SEPP AQM are set out in SEPP AQM.
62. The “beneficial uses” protected by SEPP AQM are set out in clause 9 of SEPP AQM and include:

“climate systems that are consistent with human development, the life, health and well-being of humans, and the protection of ecosystems and biodiversity”

#### **Specific Relevant SEPP AQM Requirements**

63. Relevant requirements in SEPP AQM include:
- a. Clause 10 (3);
  - b. Clause 15 (3);
  - c. Clause 18 (3);
  - d. Clause 19 (1);
  - e. Emissions from stationary sources (in air quality control regions) must meet the emissions limits in Schedule E. These are the maximum limits allowable.
  - f. Clause 22 (1) and Schedule E;
  - g. Clauses 29 to 32 of SEPP AQM (because the site for the DGDP is in the “ Latrobe Valley Air Quality Control Region”);

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<sup>2</sup> clause 6 of SEPP AQM

<sup>3</sup> clause 7 of SEPP AQM

<sup>4</sup> clause 8 of SEPP AQM

- h. Clause 33;
- i. Schedule A, including Note 5 which states that “Design criteria have been set to protect against adverse health effects.”;
- j. Schedule C of the SEPP (AQM), including Part C; and
- k. Schedule E (including Item 9):

9. Oxides of nitrogen	Gas turbines for electricity generation: - rated output equal to or greater than 30MW	a 0.07 g/m <sup>3</sup> for gaseous fuels
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**V. Protocol for Environment Management (Greenhouse Gas Emissions and Energy Efficiency in Industry)**

64. The PEM GHG Emissions and Energy Efficiency in Industry is relevant to the Dual Gas Works Approval application.

**VI. Best Practice Management of Emissions under SEPP AQM**

65. A generator of emissions must apply best practice to the management of all emissions.

66. The obligations to apply “best practice” are in addition to obligations to ensure that emissions are within the Schedule A design criteria and Schedule E emissions limits.

67. “Best practice” relates to the best combination of eco-efficient techniques, methods, processes or technology used in an industry sector or activity that minimises the environmental impact of a generator of emissions.

68. When determining “best practice”, EPA/VCAT is not limited to techniques, methods, processes or technology used in the Works Approval applicant’s particular industry sector or activity.

69. The Macquarie Concise Dictionary<sup>5</sup> relevantly defines:

- a. “*industry*” to mean:
  - i. a particular branch of trade or manufacture: *the steel industry*;
  - ii. any large scale business activity: *the tourist industry*;
- b. “*sector*” to mean any field or division of a field of activity;
- c. “*activity*” to mean:
  - i. The state of action; doing;
  - ii. Specific deed or action; sphere of action;
- d. “*technique*” to mean method of performance; way of accomplishing;

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<sup>5</sup> Fifth Edition 2009

- e. "method" to mean:
  - i. A mode of procedure, especially an orderly or systematic mode;
  - ii. A way of doing something.

## **F. EPA's Assessment of the Dual Gas Works Approval Application under the EP Act**

### **I. Introduction**

70. After receiving Dual Gas' Works Approval application, EPA:
- a. referred the Works Approval application to (among others):
    - i. the Department of Health; and
    - ii. Latrobe City Council as the responsible planning authority (as required by s19B(3) (a)); and
  - b. conducted a conference under s20B of the EP Act at Traralgon on 20 October 2010.
71. EPA issued a number of notices under s 22 (1) of the EP Act requiring Dual Gas to provide further information, including:
- a. EPA Notice dated 17 November 2010;
  - b. EPA Notice dated 18 November 2010;
  - c. EPA Notice dated 23 December 2010;
  - d. EPA clarification dated 19 April 2011.

### **II. Response from Department of Health**

72. Department of Health letter dated 29 April 2011 provided that Department's response to the Works Approval application.

### **III. Response from Latrobe City Council**

73. Latrobe City Council is the responsible authority under the Latrobe Planning Scheme.
74. Latrobe letter to the EPA dated 1 October 2010 provided that council's response to the Works Approval application.

### **IV. Responses from the Community**

75. EPA received approximately 4000 written submissions about the Works Approval application:
- a. approximately 3600 were based on pro-formas prepared by Environment Victoria, Friends of the Earth, the Greens or Greenpeace;
  - b. many of the issues raised were common to a large number of submissions;

- c. approximately 18 submissions were in favour of the Dual Gas proposal;
- d. EPA's Assessment Report (section 5.2.2) sets out a summary of the issues raised.

#### **V. Malcolm McIntosh Report**

- 76. EPA engaged Malcolm McIntosh to review the Works Approval application and prepare an expert report as part of EPA's assessment of the Works Approval application.
- 77. Malcolm McIntosh prepared a report dated 11 April 2011 for the EPA which was relied on by the EPA in issuing WA67043.

#### **VI. Maarten van der Burgt Report**

- 78. EPA engaged Maarten van der Burgt to review the Works Approval applications and prepare an expert report as part of EPA's assessment of the Works Approval application.
- 79. Maarten van der Burgt prepared a report dated May 2011 for the EPA which was relied on by the EPA in issuing WA67043.

#### **VII. Graeme Ross Reports**

- 80. Graeme Ross:
  - a. undertook air modelling; and
  - b. prepared the following reports which were relied on by the EPA in issuing WA67043:
    - i. a report (CAMM Report NO.55/10) dated January 2011; and
    - ii. a further report (CAMM Report NO.1/11) dated February 2011.

#### **VIII. Assessment of "Best Practice" made by EPA during the Assessment of the Works Approval Application**

##### **EPA's Position on "Best Practice" during the Assessment of the Works Approval Application**

##### **Introduction**

- 81. EPA's approach to assessing "best practice" was based on a review of the various components of the DGDP and whether emissions associated with the DGDP could or should be reduced by requiring additional or alternative techniques, methods, processes or technology.

## GHGs

82. During stage 1 of the DGDP, one of the 2 proposed E class gas turbine units was intended to operate entirely on natural gas and when market conditions are appropriate. This is confirmed by a Dual Gas letter to EPA dated 18 April 2011. This is anticipated by Dual Gas to be about one-third of the time.

83. The DGDP is proposed to operate as follows:

a. During stage 1:

- i. An E Class gas turbine (GT1) would operate on syngas; and
- ii. A second E Class gas turbine (GT2) would operate solely (or wholly) on natural gas;

b. If stage 1 is successful:

- i. GT1 would operate on syngas and natural gas; and
- ii. GT2 would operate on syngas and natural gas;

c. If stage 1 is unsuccessful:

- i. GT1 would operate on natural gas; and
- ii. GT2 would operate on natural gas.

84. Dual Gas has advised the EPA that:

- a. it has not been possible to secure an offer of an F class gas turbine for the DGDP with performance guarantees that meet the commercial requirements of the project; and
- b. Dual Gas has secured an offer of E class gas turbines for the DGDP with performance guarantees that meet the commercial requirements of the project.

85. EPA's experts during the Works Approval assessment process advised that an E Class gas turbine (though less than ideal) is "best practice" for the management of emissions for the use of syngas because turbine manufacturers have not yet developed an F class gas turbine that can combust syngas from the DGDP.

86. The EPA's assessment is detailed in section 6.3 of the EPA Assessment Report:

- a. other than the operation of the second E-class gas turbine solely on natural gas until the installation of the second gasifier (if ever) and the absence of SO<sub>2</sub> reduction technology, the DGDP may be considered to be best practice;

- b. an E class gas turbine operating on syngas from the DGDP is best practice because no higher grade turbine is currently available from manufacturers/suppliers for use with this fuel;
- c. the long term operation of an E class gas turbine on natural gas is not best practice because it is less efficient than more modern (F class or later) gas turbines;
- d. installing the second gas turbine ahead of the second gasifier involves operation entirely on natural gas which is inconsistent with best practice until the second gasifier is installed (if ever);
- e. delaying the second turbine allows the possibility that an F class gas turbine might be available by the time the second gasifier is to be installed;
- f. approval of one process train confers greater flexibility on the EPA as it would enable the EPA to fully reconsider the second train in light of legislative, policy and best practice requirements at the time Dual Gas wishes to proceed with that train (if ever);
- g. approval of one process train is the appropriate precautionary approach which would:
  - i. allow the integrated drying and gasification technology to be demonstrated;
  - ii. minimise the risk that two E class gas turbines could operate indefinitely on natural gas (if the demonstration is not successful).

## **SO2**

- 87. SO2 emissions from coal fuelled power stations arise from sulfur in the coal.
- 88. SO2 is a Class 1 indicator listed in SEPP AQM (Schedule A) with a design criterion of 0.45mg/m3.
- 89. SO2 is almost entirely sourced from power stations and the modelling indicates that design criterion for SO2 are not being met.
- 90. The Department of Health's letter dated 29 April 2011 confirms that SO2 emissions in the Latrobe Valley air shed are approaching a "ceiling" for this pollutant.
- 91. SO2 reduction is required overseas and SO2 removal/reduction is widely available and generally required for new coal-fired power plants overseas.

## **G. Statutory Framework for the Assessment of a Works Approval Application under the *Climate Change Act (Vic) 2010 (CC Act)***

92. The CC Act came into operation on 1 July 2011.
93. Though not in operation at the time of EPA's decision to issue Works Approval in May 2011, the CC Act is applicable to VCAT's review of the applications in these proceedings.
94. Relevantly, the main purposes of the CC Act include:
- (a) to establish a target to reduce Victoria's greenhouse gas emissions; and
  - (b) to facilitate the consideration of climate change issues in specified areas of decision making of the Government of Victoria.
95. Under s 14, VCAT as the decision maker in relation to the issue of or refusal to issue a works approval under section 19B (as detailed in Schedule 1) must have regard to the matters set out in s 14 (2).
96. The requirements under s 14 apply in addition to and without limiting the power or duty of the decision-maker to consider any other matter under the EP Act.

**SIMON R. MOLESWORTH**

**DAVID DELLER**

21 October 2011