



EPA  
VICTORIA



## Using SEPPs and WMPs in the new environment protection framework

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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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### Introduction

From 1 July 2021, the *Environment Protection Act 2017* as amended (EP Act) replaces the *Environment Protection Act 1970*. It establishes the new framework for environmental protection. It is underpinned by the general environmental duty (GED) and duties for waste, contaminated land and incident notification and management.

The EP Act is designed with a different mix of subordinate instruments and regulatory tools to support and work with the Act. This framework focuses on the prevention of waste and the impacts of pollution, rather than managing those impacts after they have occurred.

Government, industry and many businesses in Victoria are familiar with the operation of State environment protection policies (SEPPs) and Waste management policies (WMPs) under the *Environment Protection Act 1970*.

The SEPPs and WMPs have been important tools in helping protect the environment by setting clear standards and expectations. They have provided clarity and certainty to duty holders and regulatory decision-makers in EPA, planning authorities and other parts of government.

SEPPs and WMPs **do not** continue as subordinate instruments under the EP Act, and their formal statutory role ends when the EP Act starts on 1 July 2021, except in some limited circumstances.

Much of the content of SEPPs and WMPs has been replaced by the EP Act, its Regulations and the Environment Reference Standard (ERS), or through new guidance published by EPA.

Some content is not directly replaced under the new legislative framework, or EPA has not yet published new guidance. The information in those clauses of SEPPs and WMPs may continue to provide a useful source of information to aid duty holders and regulatory decision-makers.

#### Purpose of this guide

The purpose of this guide is to provide summary information for duty holders and decision-makers already familiar with the use of SEPPs and WMPs:

- on matters covered in a SEPP or WMP that have been addressed in new legislative instruments (such as the EP Act and Regulations)
- the content in SEPPs and WMPs that EPA considers may remain useful and relevant as a contribution to the state of knowledge or as a consideration in regulatory decisions, as appropriate.

The information in this guide is for general guidance only and is only one of the sources of information that may be relevant to environmental protection.

The guide is current at the time of publication and is intended to assist understanding and support users during transition to the new environment protection framework at commencement of the EP Act on 1 July 2021.

When new information contributing to the state of knowledge is released after the publication date of this guide, this information will prevail over the matters covered in the guide to the extent of any overlap.

### Discontinuation of SEPPs and WMPs

When the EP Act commences on 1 July 2021, SEPPs and WMPs will be revoked as subordinate instruments and cease to have a legal status in Victoria's environment protection framework.

Some of the content in SEPPs and WMPs has been translated into more fit-for-purpose subordinate instruments, as follows:

- The Environment Reference Standard 2021 (ERS) includes environmental values, indicators and objectives. These are similar to the beneficial uses, indicators and objectives in SEPPs.
- Clauses that are intended to be enforceable are included (with changes) in the Environment Protection Regulations 2021 (for example, where they set a clear requirement on a type of industry activity).
- Clauses that contain decision-making rules are included (with some changes) in the Environment Protection Regulations 2021 (for example, rules that EPA must follow when assessing a permission application).

A limited number of clauses in the *State Environment Protection Policy (Waters)* will remain in force for up to two years from 1 July 2021 under the Environment Protection Transitional Regulations 2021. This allows more time for the Department of Environment, Land, Water and Planning (DELWP) and EPA to consult with duty holders and identify the most suitable replacement instrument to address the issues in these clauses.

Some clauses have not been rehoused in subordinate instruments. This is because they're no longer required due to the characteristics of the EP Act, for example they're covered by the GED, or will be reframed as EPA guidance.

In some cases, even after the SEPPs and WMPs have been revoked, a clause may be appropriate to support understanding of the standard of conduct expected of duty holders to meet their obligations or to help inform regulatory actions.

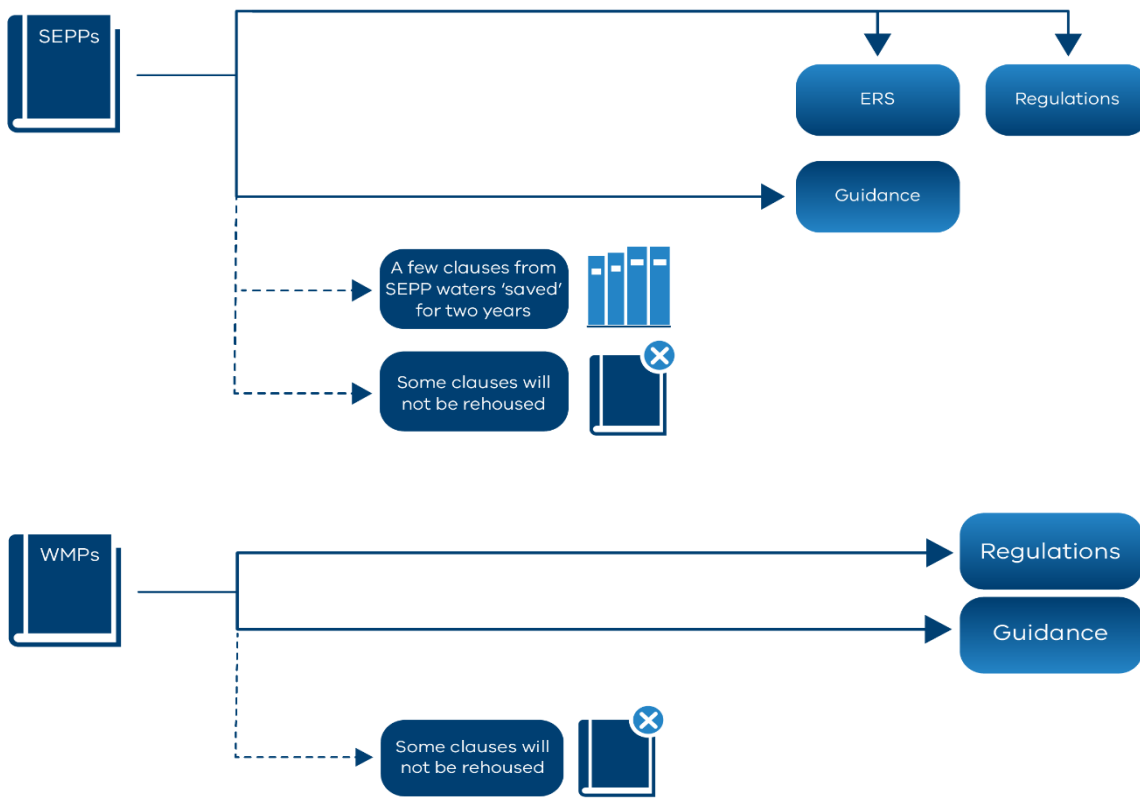


Figure 1 Where is the content of SEPPs and WMPs going?

The tables in this guide identify what SEPP and WMP content has been replaced by the EP Act, Regulations or ERS. They also set out EPA’s view of the relevance, currency and suitability of SEPP and WMP content for potential use as a contribution to the state of knowledge or to inform EPA's actions and expectations at the time of commencement of the EP Act.

## SEPPs and WMPs as state of knowledge resources

### What state of knowledge means

A key principle of the EP Act is to ensure that EPA and duty holder actions and decisions are based on the best available, relevant and reliable evidence in the circumstances. This includes information that can and should reasonably be considered about the risks of harm arising from activities (or the presence of contaminated land,) and the reasonably practicable ways of minimising those risks.

This information is referred to as the ‘state of knowledge’ - the body of accepted knowledge that is known or ought to be reasonably known about the harm or risks of harm to human health and the environment and the controls for eliminating or reducing those risks. It is a dynamic concept that changes over time as knowledge of risks and the ways to minimise those risks improves.

State of knowledge doesn’t belong to EPA alone. It can come from any reputable source, including research institutions, other regulators, other jurisdictions, professional standards bodies, industry associations and even well-performing duty holders. What’s important is the relevance of the knowledge to the issue and integrity of the source of knowledge.

Knowledge can be further developed or clarified by EPA for specific risks, activities or sectors. Choosing to add to the existing state of knowledge will largely be based on assessment of the need against the knowledge that currently exists.

### When SEPP and WMP clauses may contribute to the state of knowledge

The EP Act, its Regulations and the ERS expressly replace many of the clauses in SEPPs and WMPs. Where they are not expressly replaced, the content of some clauses may remain useful and relevant to informing the state of knowledge. This will be relevant particularly in the early stages of implementation of the new legislation, as appropriate:

- to provide information on the risks of harm to human health and the environment from pollution and waste
- as guidance on ways of eliminating or otherwise reducing risks of harm to human health and the environment
- as EPA policy statements on its role in environment protection and expectations of protection agencies and local councils regarding their role in environmental protection
- to guide sound and consistent regulatory actions under the EP Act (for example, under section 54 when setting permission conditions)
- to inform decision-making under other Acts that require consideration of environmental protection. For example, planning permits under the *Planning and Environment Act 1987*
- as reference documents to ongoing compliance requirements under other State schemes, such as environment performance requirements agreed to under an *Environment Effects Act 1978* process.

Where Regulations don't prescribe the requirements for a particular risk of harm and it's specifically addressed in a SEPP or WMP clause, then it may be reasonable for duty holders and regulators to continue to use the content of the SEPP or WMP clause to help identify what compliance with obligations may mean under the EP Act.

Other content however, while not expressly replaced under the new legislation, may no longer be relevant or suitable for consideration as up-to-date state of knowledge under the new EP Act.

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### Example of how SEPP content may be used under the EP Act

Under the *Environment Protection Act 1970*, SEPP Waters clause 48 aimed to ensure that forestry and timber harvesting activities on both private and public land were carried out in accordance with the *Code of Practice for Timber Production* (the Code), to minimise environmental impacts from land disturbance and runoff of pollutants into waters.

While clause 48 will be formally revoked when the EP Act starts, the Code may remain relevant under the EP Act as part of the state of knowledge on risks of harm for those engaging in forestry activities.

Under the EP Act, activities that give rise to risks of harm to human health and the environment from pollution and waste must be minimised so far as reasonably practicable. The Code may provide useful information on identifying risks of harm from forestry activities that cause land disturbance. If a duty holder engaged in such activities chooses to implement the Code, it can help demonstrate to EPA and others how they are meeting their general environmental duty.

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### When SEPP and WMP clauses may help inform EPA regulatory actions

As well as their role in supporting the state of knowledge, some clauses in SEPPs and WMPs will continue to help inform EPA's position or preferred approach as a regulator when addressing risks of harm and other matters under the EP Act.

If a SEPP or WMP previously set out criteria or other information relevant to granting a licence or other permit under the old Act, then EPA may continue to consider the relevance of the content of those clauses for the purposes of making a decision under the EP Act. This will be based solely on the exercise of discretion under the EP Act and does not arise from any formal requirement to consider the SEPPs and the WMPs as was the case under the old Act.

This means that EPA can continue to apply the intent of the old SEPP and WMP clauses to our regulatory activities and decision making, where doing so would be consistent with the intent and wording of EP Act, ERS, Regulations and guidance.

This continued use of the content of the SEPPs and WMPs may help inform decision making on permissions (for example, mixing zones), compliance and enforcement activities, and other specific matters (for example, setting pollutant target loads and identifying groundwater quality restricted use zones (SEPP Waters), monitoring of air quality (SEPP AQM) and the siting, design and operation of landfills (WMP Landfills).



### Example of how WMP content may support regulatory decision-making

Under the *Environment Protection Act 1970*, clause 15(3) of the WMP Landfills requires an applicant for a works approval for a landfill to meet objectives and each required outcome of EPA's *Best Practice Environmental Management - Siting, Design, Operation and Rehabilitation of Landfills* (Publication 788) (the BPEM).

While clause 15(3) will be formally revoked when the EP Act starts, the content of that clause and the BPEM may remain relevant under the EP Act as part of the state of knowledge on risks of harm relating to the siting, design, operation and rehabilitation of landfills.

Under the EP Act, EPA may consider relevant content of the BPEM when considering a development licence application for a new landfill. Where the BPEM provides relevant information on identifying and minimising risks of harm arising from landfill practices, EPA may refer to that information when assessing how the applicant will meet their general environmental duty before issuing a development licence.

The information in clause 15(3) and the BPEM may also continue to assist responsible authorities (such as councils) to assess any significant effects on the environment associated with the development of a new landfill as part of the planning permit application process.

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EPA will publish new guidance, positions and policies that will, over time, render the content of the SEPPs and WMPs – and consequently this guide - increasingly redundant in terms of their contribution to the state of knowledge or good regulatory actions.



In the interim, unless otherwise indicated or expressly replaced by new policy positions or guidance, relevant content in SEPP and WMP clauses may continue to provide stakeholders with useful information on EPA's likely position on certain matters at the time of commencement of the EP Act.

### How to use the tables in this guide

The tables in this guide provide practical support to assist those familiar with the use of SEPPs and WMPs to understand and transition to the new environment protection framework at the time of commencement of the EP Act.

The guide sets out EPA's view, at the time of publication, of the relevance, currency and suitability of the clauses and any incorporated documents in each SEPP and WMP for potential use as a contribution to the state of knowledge or to inform EPA's likely actions and expectations.

Clauses or incorporated documents marked with an **orange cross** means they have been explicitly replaced by either the EP Act, the ERS, Regulations, or guidance or that the content is no longer applicable or consistent with the state of knowledge.

A **green tick** means that the content may contribute to the state of knowledge to inform, as appropriate:

- EPA regulatory activities and actions under the EP Act consistent with the EP Act, ERS, Regulations and guidance.
- The standard of conduct expected of a person conducting an activity to meet their duties.
- Permissions applications.
- Other statutory schemes and organisations (for example, planning and local government) that currently incorporate or refer to SEPPs and WMPs as part of their activities.

No changes have been made to the SEPPs or WMPs as they are currently gazetted, and the tables should be read in conjunction with the gazetted versions. These are available on EPA's website for reference purposes.

Where a SEPP or WMP provision is identified as a useful source of knowledge, its suitability for such use must be:

- read in the context of the new legislative framework, and
- adjusted for any reference to legislation, requirement or process that no longer applies.

As the guide represents 'point in time' guidance at the time of commencement of the EP Act, users must be aware that new guidance published by EPA or other reputable source on matters covered by a SEPP or WMP clause will be regarded as superseding the equivalent position in a SEPP or WMP. This is because the newer material will represent the current state of knowledge on risks of harm and ways of minimising those risks.

## State environment protection policies

State environment protection policies will be revoked as subordinate instruments and cease to have a formal legal status in Victoria's new environment protection framework when the EP Act commences on 1 July 2021.

The following tables set out EPA's view on the relevance of SEPP clauses for potential use as a contribution to the state of knowledge or to inform EPA's likely actions and expectations at the time of commencement of the EP Act.

Each table should be read with reference to the:

- *Environment Protection Act 2017* (EP Act)
- Environment Reference Standard 2021 (ERS)
- Environment Protection Regulations 2021 (the Regulations)
- Environment Protection Transitional Regulations 2021 for the limited number of clauses in the *State Environment Protection Policy (Waters)* that will remain in force for up to two years from commencement.

### SEPP – Waters

Waters	Clause	Relevance and explanation	
Title, purpose, commencement, revocation	1-4	✘	No longer applicable
Authorising provisions	5	✘	No longer applicable
Definitions	6	✔	Where appropriate to clauses saved in the Environment Protection Transitional Regulations, and clauses that may contribute to the state of knowledge
Application	7	✔	Where appropriate to saved clauses, and may inform EPA's actions and expectations
Policy area	8	✔	Where appropriate to saved clauses, and clauses that may contribute to the state of knowledge
Segments of the water environment	9	✘	Replaced by the ERS Part 5 Water
Applied, adopted or incorporated matters	10	✔	For incorporated documents that may contribute to the as state of knowledge
Policy principles	11	✘	Replaced by the EP Act Chapter 2
Assessing practicability	12	✘	Replaced by the EP Act section 6(2)
Objectives	13	✔	May inform EPA's actions and expectations
Beneficial uses of all waters	14 (1)	✘	Replaced by the ERS Part 5 Water
Beneficial uses of groundwater	15	✘	Replaced by the ERS Part 5 Water
Beneficial uses of surface water	16	✘	Replaced by the ERS Part 5 Water
The environmental quality indicators and objectives	17	✘	Replaced by the ERS Part 5 Water
Developing interim regional targets in priority areas	18	✔	May inform EPA's actions and expectations

Pollutant load targets	19	✓	May inform EPA's actions and expectations
Management of discharges to surface waters	20	✗	The GED picks up this risk of harm aspect. Avoided generation of wastewater applies under the EP Act Chapter 6 objectives
Applications for wastewater discharges to surface waters	21	✓	Guidance for the GED; may inform EPA's actions and expectations
Consideration of applications for wastewater discharges to surface waters	22(1)	✓	Guidance for the GED; may inform EPA's actions and expectations
	22(2a)	✗	Replaced by Regulation 19
	22(2b)	✓	Guidance for the GED
	22(3)	✓	Guidance for the GED; may inform EPA's actions and expectations for vulnerable/high risk waters
Approval of mixing zones	23	✓	Guidance for the GED; may inform EPA's actions and expectations
Use of offset measures to protect beneficial uses	24	✓	Guidance for the GED; may inform EPA's actions and expectations
Discharges that provide environmental benefits	25	✓	Guidance for the GED; may inform EPA's actions and expectations
Management of wastewater re-use and recycling	26	✓	Guidance for the GED; may inform EPA's actions and expectations
Management of sewerage systems	27	✓	Guidance for the GED
Consideration of applications for subdivision and onsite domestic wastewater management systems	28(1)	✓	Saved in the Environment Protection Transitional Regulations
	28(2)	✓	Saved in the Environment Protection Transitional Regulations
	28(3)	✓	Refers to the code of practice (EPA 891) that informs the GED
Councils to develop a domestic wastewater management plan	29	✓	Saved in the Environment Protection Transitional Regulations
Sewerage planning	30	✓	Saved in the Environment Protection Transitional Regulations
Connection to sewerage	31	✓	Guidance for the GED applicable to a property owner that is located within a sewer district
Planning schemes and permits	32	✓	Guidance for the GED; and to be considered by planning authorities when deciding planning schemes or amendments
Protecting catchment areas used to supply water	33	✓	Guidance for the GED on minimising risk of harm to water supply catchments
Management of urban stormwater	34(1)	✓	Guidance for the GED
	34(2)	✓	Guidance for the GED
	34(3)	✓	Saved in the Environment Protection Transitional Regulations
	34(4)	✓	Saved in the Environment Protection Transitional Regulations
Management of saline discharges	35(1)	✓	Saved in the Environment Protection Transitional Regulations
	35(2)	✓	Guidance for the GED; and to be considered by planning authorities when deciding planning schemes or amendments

	35(3)	✓	Guidance for the GED; and to be considered by planning authorities when deciding planning permits
	35(4)	✓	Guidance for the GED; and to be considered by referral authorities under the <i>Planning and Environment Act 1987</i>
	35(5)	✓	Saved in the Environment Protection Transitional Regulations
	35(6)	✓	Saved in the Environment Protection Transitional Regulations
Management of irrigation drains and channels on receiving waters	36	✓	Guidance for the GED
Responsibilities of protection agencies for irrigation drains	37	✓	Saved in the Environment Protection Transitional Regulations
Management of recreation activities	38	✓	Guidance for the GED
Management of agricultural activities	39	✓	Guidance for the GED
Management of instream works	40	✓	Guidance for the GED
Management of the storage and handling of chemicals and hazardous substances	41	✓	Guidance for the GED
Management of construction activities	42	✓	Guidance for the GED
Management of extraction risks to waters	43	✓	Guidance for the GED for water authorities on the issue of licences under the <i>Water Act 1989</i>
Commitment to water conservation	44	✓	May inform EPA's actions and expectations
Native vegetation protection and rehabilitation	45	✓	Guidance for the GED
Management of floodplains and flood detention	46	✓	Guidance for the GED
Management of roads	47	✓	Guidance for the GED
Management of forestry activities	48	✓	Guidance for the GED
Management of releases from water storages	49	✓	Guidance for the GED
Management of dredging and desilting	50	✓	Guidance for the GED
Management of waste and wastewater from ports, marinas and vessels	51	✗	Replaced by Regulation 132
Management of aquatic pests	52	✗	Replaced by Regulation 132
Direct waste discharge to groundwater	53	✗	Replaced by the EP Act section 46 and the Regulations schedule 1 (Activity type A18)
Clean up of non-aqueous phase liquids	54	✗	Replaced by Regulation 15
Rising water tables	55	✓	Guidance for protection agencies
Hydrogeological assessment	56	✓	Guidance for the GED; may inform EPA's actions and expectations
Groundwater attenuation zones	57	✓	Guidance for the GED; may inform EPA's actions and expectations
Groundwater quality restricted use zones	58	✓	May inform EPA's actions and expectations

Segments	Sch. 1	✗	Replaced by the ERS Part 5 Water
Beneficial uses	Sch. 2	✗	Replaced by the ERS Part 5 Water
Environmental quality indicators and objectives	Sch. 3	✗	Replaced by the ERS Part 5 Water
Pollutant load targets	Sch. 4	✓	Saved in the Environment Protection Transitional Regulations, except for marine waters load targets now in Table 5.21 of the ERS Part 5 Water
Areas of high conservation values	Sch. 5	✓	Guidance for the GED; may inform EPA's actions and expectations for areas of high conservation value.
Table of revoked instruments	Sch. 6	✗	No longer applicable
Applied, adopted or incorporated documents		Relevance and explanation	
Australian and New Zealand Guidelines for Fresh and Marine Water Quality		✓	Clause 17 (4a); otherwise indicators and objectives are set out in the ERS Tables 4 and 7 of Part 5 Water
National Environment Protection (Assessment of Site Contamination) Measure		✓	Relevant schedules incorporated in the ERS Table 3 of Part 4 Land
EPA 464 - Guidelines for Environmental Management – Use of Reclaimed Water; and Dual pipe water recycling schemes Addendum EPA 1015		✗	See new guidelines and supporting technical information (EPA publications 1910 and 1911)
Victorian Land Capability Assessment Framework (2014)		✓	May contribute to the state of knowledge for clauses 28 and 29 in the SEPP
Guidelines for planning permit applications in open, potable water supply catchment areas (2012)		✓	May contribute to the state of knowledge for clauses 28 and 29 in the SEPP
EPA 891 Code of Practice – Onsite Wastewater Management		✓	May contribute to the state of knowledge for clause 28 in the SEPP
Best Practice Environmental Management Guidelines for Urban Stormwater (1999)		✓	May contribute to the state of knowledge for clause 34 in the SEPP
Code of Practice for Timber Production		✓	May contribute to the state of knowledge for clause 48 in the SEPP
EPA 691 - Best Practice Environmental Management Guidelines for Dredging		✓	May contribute to the state of knowledge for clause 50 in the SEPP
EPA 604 - Guidelines for Environmental Management: Rapid Bioassessment Methodology for Rivers and Streams		✓	Monitoring method for indicators in Table 5.9 of the ERS Part 5 Water
EPA 1302 - Environmental Quality Guidelines for Victorian Lakes		✓	Incorporated in the ERS in Part 5 Water
Australia New Zealand Food Standards Code		✓	Sch. 19 incorporated in the ERS Table 3 of Part 4 Land and Table 7 of Part 5 Water
Australian Drinking Water Guidelines (2011), National Health and Medical Research Council		✓	May contribute to the state of knowledge for Sch. 4 and Sch. 5 in the SEPP; otherwise incorporated in the ERS Tables 4 and 7 of Part 5 Water
List of Wetlands of International Importance, published by secretariat of the Convention on Wetlands of International Importance (Ramsar), on 13 September 2017		✓	May contribute to the state of knowledge for Sch. 5 in the SEPP
Directory of Important Wetlands in Australia, published by Environment Australia in 2001 - Chapter 11 Victoria		✓	May contribute to the state of knowledge for Sch. 5 in the SEPP
Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment (1986)		✓	May contribute to the state of knowledge for Sch. 5 in the SEPP

Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction and their Environment (1974)	✓	May contribute to the state of knowledge for Sch. 5 in the SEPP
Agreement between the Government of Australia and the Government of the Republic of Korea on the Protection of Migratory Birds (2007)	✓	May contribute to the state of knowledge for Sch. 5 in the SEPP
Convention on the Conservation of Migratory Species of Wild Animals (Bonn, Germany, 1979) - Appendix 1	✓	May contribute to the state of knowledge for Sch. 5 in the SEPP

## SEPP – Ambient Air Quality

Ambient Air Quality	Clause	Relevance and explanation	
Title, purpose, commencement	1-3	✘	No longer applicable
Contents of policy	4	✘	No longer applicable
Definitions	5	✓	Where appropriate to clauses that may contribute to the state of knowledge
Desired environmental outcome and goal	6	✘	Replaced by the ERS Part 2 Ambient Air
Policy area	7	✓	Where appropriate to clauses that may contribute to the state of knowledge
Beneficial uses	8	✘	Replaced by the ERS Part 2 Ambient Air
Environmental indicators and environmental quality objectives	9	✘	Replaced by the ERS Part 2 Ambient Air
Monitoring and reporting protocol	10	✓	Informs EPA's actions and expectations; National Environment Protection (Ambient Air Quality) Measure – EPA implementation as agreed with the National Environment Protection Council
Monitoring plans	11	✓	
Methods of measuring and assessing concentration of environmental indicators	12	✓	
Accreditation of performance monitoring	13	✓	
Location of performance monitoring stations	14	✓	
Number of performance monitoring stations	15	✓	
Trend stations	16	✓	
Monitoring methods	17	✓	
Evaluation of performance against environmental quality objectives and goal	18	✓	
Reporting	19	✓	
Environmental Indicators	Sch 1	✘	Replaced by the ERS Part 2 Ambient Air
Environmental Quality Objectives and Goal	Sch 2	✘	Replaced by the ERS Part 2 Ambient Air
Australian Standard Methods for Environmental Indicator Monitoring	Sch 3	✓	Informs EPA's actions and expectations; National Environment Protection (Ambient Air Quality) Measure – EPA implementation as agreed with the National Environment Protection Council
Applied, adopted or incorporated documents		Relevance and explanation	
AS/NZS 3580.1.1:2007 (Methods for the sampling of ambient air - Guide to siting air monitoring equipment)		✓	May contribute to the state of knowledge for clause 14 in the SEPP



AS/NZS 3580: Methods for indicator monitoring (series)	✓	May contribute to the state of knowledge for clause 17 and Sch. 3 in the SEPP
National Environment Protection (Ambient Air Quality) Measure	✓	May contribute to the state of knowledge for clauses 10-19 and Sch. 3 in the SEPP

### SEPP – Air Quality Management

**Note:** At the time of this guide’s publication, EPA had released the draft *Guideline for assessing and minimising air pollution in Victoria* for consultation. A copy can be found at <https://engage.vic.gov.au/new-environmental-laws/guideline-assessing-and-minimising-air-pollution-victoria>. The guideline will replace certain matters addressed in this guide when it is published.

Air Quality Management	Clause	Relevance and explanation	
Title, commencement, revocation	1-3	✗	No longer applicable
Application	4	✓	May inform EPA's actions and expectations
Contents	5	✗	No longer applicable
Policy aims	6	✓	May inform EPA's actions and expectations
Policy principles	7	✗	Replaced by the EP Act Chapter 2
Policy intent	8	✓	May inform EPA's actions and expectations
Beneficial uses	9	✗	Replaced by the ERS Part 2 Ambient Air
Air quality indicators	10 (1-2)	✗	Replaced by Regulation 4 and schedule 4 of the Regulations
	10 (3-5)	✗	No longer applicable
Ambient air quality objectives	11	✗	Replaced by the ERS Part 2 Ambient Air
Development of national measures	12	✓	May inform EPA's actions and expectations
Implementation	13	✓	May inform EPA's actions and expectations
Accountability	14	✓	May inform EPA's actions and expectations
Protocols for environmental management	15 (1, 2, 4, 5)	✗	No longer applicable
	15 (3)	✓	May inform EPA's actions and expectations
Risk Assessment	16 (1)	✗	No longer applicable
	16 (2, 4, 5)	✓	May inform EPA's actions and expectations
	16 (3)	✓	Guidance for the GED

Separation distances	17	✗	No longer applicable
General requirements	18	✓	Guidance for the GED; may inform EPA's actions and expectations
Management of new sources of emissions	19 (1)	✓	Guidance for the GED; may inform EPA's actions and expectations
	19 (2)	✗	Replaced by Regulations 4 and 112 and schedule 4 of the Regulations, and the GED
Management of Class 3 indicators	20 (1)	✗	Replaced by Regulations 4 and 112 and schedule 4 of the Regulations, and the GED
	20 (2-3)	✗	No longer applicable
	20 (4)	✓	May inform EPA's actions and expectations
Monitoring of emissions	21	✓	May inform EPA's actions and expectations
Management of emissions from stationary sources	22	✗	No longer applicable
Commissioning, start-up and shutdown of equipment	23	✗	No longer applicable
Monitoring of air quality	24	✓	May inform EPA's actions and expectations
Air quality research	25	✓	May inform EPA's actions and expectations
Emergency abatement plan	26	✗	Replaced by Victoria's Emergency Management Framework established in the <i>Emergency Management Legislation Amendment Act 2018</i>
Local air quality management	27 (1, 3, 4)	✓	May inform EPA's actions and expectations
	27 (2, 5-6)	✗	No longer applicable
Modelling of air emissions	28	✓	May inform EPA's actions and expectations
Establishment of air quality regions	29	✓	May inform EPA's actions and expectations
Air quality management in air quality control regions	30	✓	May inform EPA's actions and expectations
Air quality Improvement Plans in air quality control regions	31	✓	May inform EPA's actions and expectations
Air Quality Forecasting and Reporting	32	✓	May inform EPA's actions and expectations
Management of Greenhouse Gases	33	✓	May inform EPA's actions and expectations
Management of Ozone-Depleting Substances	34	✗	Replaced by the Regulation 111, and Commonwealth legislation
Management of Motor Vehicles and Fuels	35	✗	Replaced by the Regulations Part 5.6, Commonwealth legislation and other Victorian Government planning and transport policy
Management of Other Mobile Sources	36	✓	May inform EPA's actions and expectations
Management of Prescribed Burning	37(1)	✗	No longer applicable
	37(2)	✓	May inform EPA's actions and expectations

Management of Waste Burning	38(1-2)	✗	Covered by Council local laws
	38 (3)	✗	The EP Act prohibits the deposit of waste, including through burning, unless it is authorised under the law
Management of solid fuel heaters	39	✗	Replaced by the Regulations 109 and 110
Management of large line and area-based sources of emissions	40 (1-2)	✗	No longer applicable
	40 (3-4)	✓	May inform EPA's actions and expectations
Definitions		✓	Where appropriate to clauses that contribute to the state of knowledge
Class 1, 2, 3 and unclassified indicators and design criteria	Sch. A	✗	Replaced by Regulation 4 and schedule 4 of the Regulations
Intervention levels for class 1, 2 and 3 indicators	Sch. B	✗	No longer applicable
Modelling emissions to air	Sch. C	✗	
Emission limits for stationary sources in Victoria	Sch. D	✗	
Emission limits for new stationary sources in air quality control regions	Sch. E	✗	
Air quality control regions	Sch. F	✓	
Alert levels for selected class 1 indicators	Sch. G	✗	Replaced by Victoria's Emergency Management Framework established in the <i>Emergency Management Legislation Amendment Act 2018</i>
Applied, adopted or incorporated documents		Relevance and explanation	
EPA 1191 (2007) PEM - Mining and extractive industry		✓	May contribute to the state of knowledge for clause 40 in the SEPP
EPA 824 (2002) PEM - Greenhouse gas emissions and energy efficiency in industry		✓	May contribute to the state of knowledge for clause 33 in the SEPP
EPA 829 (2002) PEM - Minimum control requirements for stationary sources		✗	No longer applicable

## SEPP – Control of Noise from Commerce, Industry and Trade

Control of noise from commerce, industry and trade	Clause	Relevance and explanation	
Title, purpose, status	1-3	✗	No longer applicable
Application	4	✗	No longer applicable
Contents	5	✗	No longer applicable
Policy goal	6	✓	Guidance for the GED; may inform EPA's actions and expectations

Boundary	7	✘	The Regulations adopt the urban growth boundary
Beneficial Uses	8	✘	Replaced by the ERS Part 3 Ambient Sound
Premises	9	✘	Replaced by the Regulations Part 5.3
Environmental quality objectives and indicators	10-12	✘	Replaced by the Regulations Part 5.3 and the Incorporated Noise Protocol <sup>1</sup>
Attainment program	13-14	✘	Replaced by Regulation 118
	15	✘	Replaced by the Regulations Part 5.3
	16	✘	Replaced by Regulation 118 and the Incorporated Noise Protocol
Compliance policy	17	✘	Part of the GED reasonably practicable considerations
	17A - F	✘	No longer applicable
	17G	✘	Replaced by the EP Act and the GED
Cumulative noise	18	✘	Replaced by Regulation 119
Equipment	19	✘	Replaced by the EP Act and the GED
Land use planning	19A	✘	No longer applicable
Definitions	20	✘	Replaced by the Regulations and the Incorporated Noise Protocol
Measurement of Noise	Sch. A	✘	See the Regulations Part 5.3 and the Incorporated Noise Protocol
Determination of noise limits	Sch. B	✘	
Measurement of background levels	Sch. C	✘	
Determination of derived noise limit	Sch. D	✘	
Applied, adopted or incorporated documents		Relevance and explanation	
EPA 316a Designation of Types of Zones and Reservations in the Metropolitan Region Planning Schemes for the Purposes of State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1		✘	Replaced by the Incorporated Noise Protocol

<sup>1</sup> *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, EPA Publication 1826 (as updated from time to time)

## SEPP – Control of music noise from public premises

Control of music noise from public premises	Clause	Relevance and explanation	
Title,	1	✗	No longer applicable
Application	2	✗	No longer applicable
Contents	3	✗	No longer applicable
Policy goal	4	✓	May inform EPA's actions and expectations
Boundary	5	✗	Replaced by the Regulations Part 5.3
Beneficial uses	6	✗	Replaced by the ERS Part 3 Ambient Sound
Premises	7-9	✗	Replaced by the Regulations Part 5.3
Compliance	10	✗	Replaced by the Regulations Part 5.3
Environmental quality objectives and indicators	11-12	✗	Replaced by the Incorporated Noise Protocol
Effective noise level	13	✗	Replaced by Regulations 125 and 130
Indoor venues	14	✗	Replaced by the Incorporated Noise Protocol
	15	✗	Replaced by Regulation 125
	16	✗	Replaced by the Incorporated Noise Protocol
Outdoor venues	17-18	✗	Replaced by the Incorporated Noise Protocol
Attainment program	19-21	✗	Covered by the EP Act and Part 5.3 of the Regulations
Monitoring	22	✗	Covered by the EP Act
Stringent conditions	23	✗	Covered by the EP Act
Indoor venues	24-25	✗	No longer applicable
Temporary buildings	26	✗	Replaced by Regulation 130
Operating times	27	✗	Replaced by Regulations 128 and 129. A permit is also required to operate outside of hours – Table: Schedule 1 of the Regulations
Noise control notice	28	✗	Replaced by the EP Act and the GED
Limit on concerts per year	29	✗	Permit required to hold more than 6 concerts – Table: Schedule 1 of the Regulations

Scheduled areas	29A	✘	Replaced by the Incorporated Noise Protocol
	29B(a)	✘	Covered by the Melbourne Planning Scheme
	29B(b)	✘	Replaced by the Incorporated Noise Protocol
	29C	✘	Replaced by the GED and for noise management plans
Extra concerts	30-34	✘	Permit required to hold more than 6 concerts – Table: Schedule 1 of the Regulations
Definitions	35	✘	Replaced by Regulation 4 and the Incorporated Noise Protocol
Operating hours for indoor venues	Sch. A	✘	Replaced by Regulation 123
Location of measurement point	Sch. B1	✘	Replaced by the Incorporated Noise Protocol
Common measurement	Sch. B2	✘	
Assessment specific to indoor venues	Sch. B3	✘	Replaced by the Regulations Part 5.3 and Incorporated Noise Protocol
Definition of scheduled area	Sch. C	✘	Replaced by the Incorporated Noise Protocol

## SEPP – Prevention and management of contamination of land

Prevention and management of contamination of land	Clause	Relevance and explanation	
Title, commencement	1-2	✘	No longer applicable
Policy area	3	✘	No longer applicable
Application	4	✘	No longer applicable
Content	5	✘	No longer applicable
Goal	6	✓	May inform EPA's actions and expectations
Policy principles	7	✘	Replaced by the EP Act Chapter 2
Policy intent	8	✓	May inform EPA's actions and expectations
Land use	9	✘	Replaced by the ERS Part 4 Land
Beneficial uses	10	✘	Replaced by the ERS Part 4 Land
Indicators and objectives for land	11	✘	Replaced by the ERS Part 4 Land
Responsibilities	12	✓	May inform EPA's actions and expectations
Planning authorities and responsible authorities	13	✓	Planning authorities must fulfil their <i>Planning and Environment Act 1987</i> functions

			consistently with the EP Act, including recognising the role of the GED and guidance
Planning scheme amendments, planning permits and change of land use	14	✗	Replaced by updated polices and guidance made under the <i>Planning and Environment Act 1987</i> (for example Planning Practice Note 30), and future guidance under the EP Act's audit scheme
Regional catchment strategies	15	✓	May inform EPA's actions and expectations
Application of chemicals or waste to land	16 (1)	✓	May inform EPA's actions and expectations
	16 (2)	✓	May inform EPA's actions and expectations, noting the EP Act duties also apply
Prevention of contamination of land	17 (1)	✗	The GED replaces this with broader application to any person engaging in an activity
	17 (2a-c)	✓	May inform EPA's actions and expectations, noting the EP Act duties also apply
	17 (3-4)	✗	Environment improvement plans are not a formal tool under the EP Act. Replaced by the duties.
Material with potential to impact the environment	18	✗	Replaced by the EP Act duty to manage contaminated land
Site contamination assessment	19	✗	The EP Act regulates these circumstances
Sampling and analysis of soils and sediments	20	✓	May inform EPA's actions and expectations
Polluted land	21	✗	The EP Act defines "contaminated land" and includes a duty to manage risks of harm from contaminated land
Management strategies	22	✗	Replaced by the EP Act duty to manage contaminated land, and guidance supporting the duty
Clean-up levels	23	✓	May inform EPA's actions and expectations
Depth of clean-up	24	✓	May inform EPA's actions and expectations
Transport and disposal of waste soils and sediments	25	✗	The waste duties in the EP Act regulate these circumstances
Statutory environmental audits	26 (1)	✓	May inform EPA's actions and expectations
	26 (2)	✗	The EP Act regulates these circumstances
	26 (3)	✓	May inform EPA's actions and expectations, and subject to updated polices and guidance made under the <i>Planning and Environment Act 1987</i> .
	26 (4)	✓	May inform EPA's actions and expectations
Notification to potential occupiers	27 (1-2)	✗	Section 214 of the EP Act regulates these circumstances
	27 (3)	✓	May inform EPA's actions and expectations
Research and monitoring	28	✓	May inform EPA's actions and expectations
Codes of practice and guidelines	29	✓	May inform EPA's actions and expectations

Public awareness	30	✓	May inform EPA's actions and expectations
Reporting policy implementation	31	✓	May inform EPA's actions and expectations
List of definitions	32	✓	Where appropriate to clauses that may inform EPA's actions and expectations and where equivalent terms are not defined in the ERS or Regulations
Applied, adopted or incorporated documents		Relevance and explanation	
National Environment Protection (Assessment of Site Contamination) Measure		✓	Clause 23 (b); and the ERS Table 3 of Part 4 Land incorporates relevant schedules
Australia New Zealand Food Standards Code		✓	Relevant schedule incorporated in the ERS Table 3 of Part 4 Land
IWRG701 - Sampling and analysis of waters, wastewaters, soils and wastes		✓	May contribute to the state of knowledge for clause 20 in the SEPP

## Waste management policies

Waste management policies will be revoked as subordinate instruments and cease to have a formal legal status in Victoria's new environment protection framework when the EP Act commences on 1 July 2021.

The following tables set out EPA's view on the relevance of WMP clauses for potential use as a contribution to the state of knowledge or to inform EPA's likely actions and expectations at the time of commencement of the EP Act.

Each table should be read with reference to the amended *Environment Protection Act 2017* (EP Act) and the Environment Protection Regulations 2021 (the Regulations).

### WMP – Siting, design and management of landfills

Landfills	Clause	Relevance and explanation	
Title, commencement, revocation	1-3	✗	No longer applicable
Application	4	✗	No longer applicable
Contents	5	✗	No longer applicable
Definitions	6	✓	Where appropriate to clauses that may contribute to the state of knowledge and where equivalent terms are not defined in the ERS or Regulations
Objectives	7	✓	May inform EPA's actions and expectations
Policy principles	8	✗	Replaced by the EP Act Chapter 2
Policy intent	9	✓	May inform EPA's actions and expectations
Implementation	10	✓	May inform EPA's actions and expectations



Strategic land use planning	11	✓	May inform EPA's actions and expectations
Waste management planning	12	✓	Guidance for the GED; may inform EPA's actions and expectations
Landfill site selection	13 (1)	✓	May inform EPA's actions and expectations
	13 (2)	✗	Replaced by Regulation 101 and schedule 8 of the Regulations
	13 (3)	✓	May inform EPA's actions and expectations
Works approval and licensing	14 (1)	✓	May inform EPA's actions and expectations
	14 (2)	✗	The EP Act requires all operating landfills to be "permitted"
	14 (3)	✗	No longer applicable
General requirements	15	✓	May inform EPA's actions and expectations
Specific Requirements	16	✓	May inform EPA's actions and expectations
Landfills exempt from licensing	17	✗	The EP Act requires all operating landfills to be "permitted"
Recycling facilities	18	✓	May inform EPA's actions and expectations
Prohibited waste to landfill	19	✓	May inform EPA's actions and expectations
Landfill gas	20	✓	Guidance for the GED
Environmental improvement plan	21	✗	No longer a formal tool under the EP Act, it is replaced by the duties.
Areas where landfill sites must not be established or extended into	Sch. A	✗	Replaced by Regulation 101 and schedule 8 of the Regulations
<b>Applied, adopted or incorporated documents</b>		<b>Relevance and explanation</b>	
EPA 788.3 - Siting, design, operation and rehabilitation of landfills		✓	May contribute to the state of knowledge for clauses 6, 11, 13 and 15 in the WMP

#### WMP – Movement of controlled waste between states and territories

Movement of controlled waste	Clause	Relevance and explanation	
Title, commencement, revocation	1-3	✗	No longer applicable
Definitions	4	✗	Replaced by Regulations 4, 71 and 72
Policy objectives	5	✓	May inform EPA's actions and expectations
Policy intent	6	✓	May inform EPA's actions and expectations
Policy principles	7	✗	Replaced by the EP Act Chapter 2
Schedules	8	✗	Replaced by the Regulations Part 4.2

Exclusions	9	✗	Replaced by the Regulations Part 4.2
Exemptions	10	✗	Replaced by Regulation 85
Features for the establishment of a system for the movement of controlled wastes	11	✗	Replaced by the Regulations Part 4.2, Division 3 and permissions for interstate waste transport – Table: schedule 1
Failure to provide information, or giving false or misleading information	12	✗	Covered by section 137 of the EP Act
Confidentiality	13	✗	Covered by section 453 of the EP Act

### WMP – E-waste

E-waste	Clause	Relevance and explanation	
Objective	1	✓	May inform EPA's actions and expectations
Commencement	2	✗	No longer applicable
Definitions	3	✓	Where appropriate to assist interpreting the key terms in the Regulations
Application	4	✗	Replaced by the Regulations Part 4.2 and schedule 1
General requirements	5	✓	May inform EPA's actions and expectations
Requirements for e-waste service providers	6	✓	May inform EPA's actions and expectations
Records retention	7	✓	May inform EPA's actions and expectations
Compliance	8	✓	May inform EPA's actions and expectations
Table of applied, adopted or incorporated matter	9	✓	For incorporated documents that may contribute to the as state of knowledge or inform EPA's likely actions and expectations
<b>Applied, adopted or incorporated documents</b>		<b>Relevance and explanation</b>	
Australian Standard/New Zealand Standard 5377:2013 - Collection, storage, transport and treatment of end-of-life electrical and electronic equipment		✓	May contribute to the state of knowledge for clauses 6 and 8 in the WMP

### WMP - Industrial waste management policy: Waste acid sulfate soils

Waste acid sulfate soils	Clause	Relevance and explanation	
Title, commencement, review of policy, revocation	1-4	✗	No longer applicable
Contents	5	✗	No longer applicable
Definitions	6	✓	Where appropriate to clauses that may inform EPA's actions and expectations

Objectives	7	✓	May inform EPA's actions and expectations
Policy area	8	✓	May inform EPA's actions and expectations
Best practice management	9	✓	May inform EPA's actions and expectations
On-site management of waste acid sulfate soil	10	✗	No longer applicable
Part does not apply to certain dredge spoil material	11	✓	May inform EPA's actions and expectations
Part does not apply to certain extractive and mining premises	12	✓	May inform EPA's actions and expectations
Disposal or reuse of waste acid sulfate soil	13	✓	May inform EPA's actions and expectations
Disposal or reuse to be in accordance with environment management plan	14	✓	May inform EPA's actions and expectations
Management of waste contaminated acid sulfate soil	15	✓	May inform EPA's actions and expectations
Application for approval of environment management plan	16	✗	Subject to process requirements of the EP Act
Approval of environment management plan	17(1)	✗	Subject to process requirements of the EP Act
	17(2)	✓	May inform EPA's actions and expectations for a designation or a declaration of use
	17(3)	✗	Subject to process requirements of the EP Act
Rescinding approval or amendment of environment management plan	18-19	✗	Subject to process requirements of the EP Act
<b>Applied, adopted or incorporated documents</b>		<b>Relevance and explanation</b>	
EPA 655.1 Information Bulletin Acid Sulfate Soil and Rock		✓	Some aspects (such as minimum sampling) may continue to support the state of knowledge. Otherwise, largely covered by national guidance.

WMP – Combustible recyclable and waste materials

Combustible recyclable and waste materials	Clause	Relevance and explanation	
Objective	1	✓	May inform EPA's actions and expectations
Commencement, revocation	2-3	✗	No longer applicable
Definitions	4	✗	Replaced by permissions scheme under the EP Act
Application	5	✓	May inform EPA's actions and expectations
Risk management	6	✓	May inform EPA's actions and expectations
Management and storage	7	✓	May inform EPA's actions and expectations
Emergency management plan	8	✓	May inform EPA's actions and expectations

Applied, adopted or incorporated documents	Relevance and explanation	
EPA 1667 Management and storage of combustible recyclable and waste materials guideline	✓	May contribute to the state of knowledge for clauses 6, 7 and 8 in the WMP, and guidance for the GED

**WMP – Industrial Waste Management Policy: Protection of the ozone layer**

Protection of the ozone layer	Clause	Relevance and explanation	
Title, commencement, revocation, contents, application	1-5	✗	No longer applicable
Circumstances in which policy may be revoked or varied	6	✗	No longer applicable
Obligation to comply with industrial waste management policies	7	✗	No longer applicable
Definitions	8	✗	No longer applicable
Objectives	9	✓	May inform EPA's actions and expectations
Principles	10	✗	Replaced by the EP Act Chapter 2
Policy intent, strategic approach, implementation	11-13	✓	May inform EPA's actions and expectations
Obligation to adopt alternatives and minimise emissions of ozone-depleting substances	14	✓	May inform EPA's actions and expectations, noting Regulation 111 requirements for handling methyl bromide
Recovery of ozone-depleting substances	15	✗	Replaced by Regulation 111
Ozone layer protection boards	16	✗	No longer applicable
Registration and accreditation	17-20, 22	✗	No longer applicable
Codes of practice	21	✗	No longer applicable
Suppliers to record and report consumption data	23	✗	No longer applicable
Environment improvement plans	24-25	✗	No longer applicable
Labelling, registration and handling	26-28	✗	No longer applicable
Obligations relating to halon fire protection equipment	29	✗	No longer applicable
Savings for existing boards, registrations and accreditations	30	✗	No longer applicable
Ozone-depleting substances	Sch A	✗	No longer applicable
Activities under clause 15: recovery of ozone-depleting substances	Sch B	✗	No longer applicable
Activities under clause 17: registration and accreditation	Sch C	✗	No longer applicable





Essential use criteria for use of halon portable fire extinguishers and halon fire suppression systems	Sch D	✘	No longer applicable
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#### WMP – Solid fuel heating

Solid fuel heating	Clause	Relevance and explanation	
Title, commencement, application	1-3	✘	No longer applicable
Contents and definitions	4	✘	Replaced by the Regulations Part 5.2, Division 2
Objectives	5	✔	May inform EPA's actions and expectations
Principles	6	✘	Replaced by the EP Act Chapter 2
Intent of the policy	7	✔	May inform EPA's actions and expectations
Implementation of the policy	8(1)	✔	May inform EPA's actions and expectations
Manufacture of solid fuel heaters	9	✘	Replaced by Regulation 109
Supply of solid fuel heaters	10	✘	Replaced by Regulation 110
Installation of solid fuel heaters	11	✘	No longer applicable
Research, Information and education	12-13	✔	May inform EPA's actions and expectations
Applied, adopted or incorporated documents		Relevance and explanation	
Australian Standard/New Zealand Standard 4012 Domestic solid fuel burning appliances – Method for determination of power output and efficiency		✔	Incorporated in Regulations 109 and 110
Australian Standard/New Zealand Standard 4013 Domestic solid fuel burning appliances – Method for determination of flue gas emission		✔	Incorporated in Regulations 109 and 110

#### WMP – Used packaging materials

Used packaging materials	Clause	Relevance to state of knowledge or EPA's regulatory actions	
Title, commencement, revocation	1-3	✘	No longer applicable
Dependence on the covenant, exemptions/deemed compliance, definitions	4	✘	Replaced by the Regulations Part 4.3
Background and goals	7-8	✔	May inform EPA's actions and expectations
Scope	9	✘	Replaced by the Regulations Part 4.3
Principles	10	✘	Replaced by the EP Act Chapter 2
Statutory obligation and rights	11	✘	

Recovery data	12		Replaced by the Regulations Part 4.3
Enforcement obligations	13		
Information and reporting	14-18		
Applied, adopted or incorporated documents		Relevance to state of knowledge or EPA's regulatory actions	
Australian Packaging Covenant 2017			Incorporated in Regulations 4 and 93

WMP – National Pollutant Inventory

National Pollutant Inventory	Clause	Relevance to state of knowledge or EPA’s regulatory actions	
Title, commencement, revocation	1-3	✘	No longer applicable
Definitions	4	✘	Replaced by the Regulations Part 5.2, Division 1
Purposes and goals	5	✓	May inform EPA's actions and expectations
Principles	6	✘	Replaced by the EP Act Chapter 2
Reporting obligations and thresholds	7-12	✘	Replaced by the Regulations Part 5.2, Division 1
Supply of information to the Commonwealth by the Authority	13-15	✘	
Information integrity, confidentiality, security and legal status	16-20	✘	
Table 1 – list of substances for the NPI	Sch. A	✘	