



EPA
VICTORIA



Development licence application guidance

Publication 2011 1 July 2021

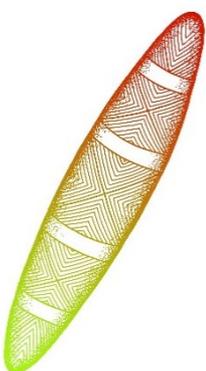
Publication 2011 1 July 2021

Authorised and published by EPA Victoria
Level 3, 200 Victoria Street, Carlton VIC 3053
1300 372 842 (1300 EPA VIC) epa.vic.gov.au

This publication is for general guidance only. You should obtain professional advice if you have any specific concern. EPA Victoria has made every reasonable effort to ensure accuracy at the time of publication.

This work is licensed under a [Creative Commons Attribution 4.0 licence](https://creativecommons.org/licenses/by/4.0/).

Give feedback about this publication online: epa.vic.gov.au/publication-feedback



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.



For languages other than English, please call 131 450.

Visit epa.vic.gov.au/language-help for next steps.

If you need assistance because of a hearing or speech impairment, please visit relayservice.gov.au

Contents

Introduction.....	5
Submitting a development licence application.....	5
Primary information	6
Company legal entity.....	6
Application fee.....	7
Land use	8
Planning and other approvals.....	8
Choice of location for an activity	8
Track record.....	9
Community and third-party engagement.....	10
Development licence requirements under the EP Act 2017	11
Resources for meeting requirements under the EP Act 2017	11
General environmental duty and permissions	19
So far as reasonably practicable	20
State of knowledge.....	20
State Environment Protection Policies (SEPPs) and Waste Management Policies (WMPs).....	21
Environment reference standard.....	21
Consideration of activity hazards and risk of harm to human health and environment.....	22
Choice of process and technology	23
Consideration of specific human health and environmental segments.....	25
Human Health	25
Climate change and greenhouse gas (GHG) emissions	26
Air.....	31
Noise	31
Water	32
Land and groundwater	32
Odour.....	33
Waste.....	33

Other Approvals	34
Financial assurance for prescribed permission activities	34
Financial assurance proposals for permission applications	34
Financial assurance guidance.....	35
Commissioning/proof of performance	36
Decommissioning	37

Introduction

The purpose of this guide is to help applicants understand what information to provide when applying for a development licence application.

When assessing development licence applications, EPA (the Authority) considers matters including:

- measures to comply with the general environmental duty (GED)
- the impact on human health and the environment, including any environmental values in the relevant environment reference standards
- the principles of environment protection according to the *Environment Protection Act 2017* (the EP Act)
- the best available techniques and technologies.

EPA will always exercise its judgement independently, in line with our objectives and policies, weighing up all relevant issues to make our decision.

Submitting a development licence application

Development licence applications may be submitted online through the [EPA portal](https://portal365.epa.vic.gov.au/) (<https://portal365.epa.vic.gov.au/>). The portal has been designed so you can describe succinctly, and in plain English how your activity is able to meet the requirements of all relevant legislation.

Space is provided in the online application for you to summarise information about your activity, to be considered by us. This includes your activity's risks and the impact on human health and the environment.

In addition to providing a summary, you must also attach any supporting information and evidence which fully articulates your activity's compliance with legislative requirements. This can be in the form of data, reports and analysis. If your application is submitted without sufficient consideration of, and evidence supporting your activity's compliance, EPA will not assess the application. Your application will not be considered to meet the form and manner of an acceptable application and may not be accepted for assessment. We will notify you when your application does not meet our requirements and request further information or evidence.

In each summary, identify the relevant supporting information you have attached to the application. Include filenames and exactly where, within the attachment, the relevant information can be found.

Primary information

The following section identifies the primary information required for an online development licence application.

Company legal entity

EPA issues a development licence to a legal entity (legal person) who performs the prescribed activity.

The relevant documentation must be provided if the applicant is:

- a proprietary or public company registered under the *Corporations Act 2001*. Here you will need:
 - the address of its registered office in Victoria; and
 - a current ASIC company extract
 - in the case of a partnership, the application must specify the full names of the individual partners under the company name, in addition to referring to the trading name and supplying a business name certificate.
- an owners corporation within the meaning the *Owners Corporations Act 2006*. Here you will need:
 - the address for service of notices; and
 - a certified copy of the registered plan of subdivision or a plan of strata creating the owners corporation.
- an incorporated association under the *Associations Incorporation Act 1981*. Here you will need:
 - the name and address of the public officer, as registered with Consumer Affairs Victoria; and
 - the certificate of incorporation of the association.
- a municipal council constituted in accordance with the *Local Government Act 1989*. Here you will need:
 - full name of the council; and
 - the address for service of notices.
- a body created under statute. Here you will need:
 - full name of the body and the legislation under which the body is created; and
 - the address for service of notices.

In the majority of cases, there will be just one applicant and they are called the 'primary applicant'. The online application form has a field where the details of the primary applicant are entered.

For cases where there are multiple legal entities that jointly seek to hold a permission, they can be added as secondary applicants. They must also be listed and clearly identified in the application. Details of the secondary applicant must also upload information as an attachment, found at the end of the form.

Application fee

An application fee must be paid when you submit your development licence application.

The application fee is prescribed in section 172 of the Environment Protection Regulations 2021, being the greater of:

1 per cent of the estimated cost of the prescribed development activity; or

81.83 fee units.

For the latest fee unit value refer to the [EPA fees](https://www.epa.vic.gov.au/for-business/fees) web page (<https://www.epa.vic.gov.au/for-business/fees>). However, the maximum fee payable is 4,500 fee units.

The 'estimated cost' means the amount you reasonably estimate is required to carry out the prescribed development activity, other than any amount required for:

- the purchase of land associated with the prescribed development activity
- any amount required to construct or modify any building relating to the prescribed development activity, when the construction or modification of which will not or does not:
 - control risks of harm to human health or the environment from pollution or waste, or
 - relate to the production capacity of the plant.

EPA will request payment for the development licence application when you have completed filling out the online form and are ready to submit it.

We accept the following payment methods:

- credit card
- cheque
- electronic fund transfer (EFT).

If your payment method hasn't been accepted, you can select 'submit and pay later'. However, you should also contact EPA to find how and when to make your payment. You can contact us by calling **1300 EPA VIC (1300 372 842)** or by emailing contact@epa.vic.gov.au

Land use

Planning and other approvals

The online application provides an opportunity to present details of planning or other approvals issued to the applicant with the following questions.

1. Detail any engagement with other regulatory authorities, other than EPA, related to this activity.
2. Do you require any other planning permits or other approvals for this activity?
3. Do you currently hold a planning permit or any other approval for this activity?
4. Detail any planning permits or other approval held for this activity.

The EP Act states that if a prescribed development licence activity requires a planning permit or the preparation of an amendment to a planning scheme under the *Planning and Environment Act 1987*, the development licence can't take effect until the planning permit or amendment to a planning scheme has been granted.

If you have already received a planning permit or planning scheme amendment for your proposed activity, from the relevant authority, you must provide a copy with your application. The contact details of the relevant planning authority must also be provided.

If you have or plan to submit any planning application at the same time as applying for a development licence, provide the contact details of the relevant planning authority. EPA can then contact them to arrange joint publication where possible.

Choice of location for an activity

The environmental impact of an activity varies with its location, siting and layout. Describe the key factors for selecting the location, including the consideration of risks to human health and the environment.

Your application should include a map identifying the location of your activity and its relationship to the surrounding area.

The online application allows you to identify the location of the activity as occurring at a 'fixed' or 'mobile' location. Activities that are fixed will require the input of an activity address.

Track record

The online application provides an opportunity to present details of your track record with the following questions.

1. Have you ever held a permission from EPA for this activity at the same location?
2. List the permission numbers for all previously held permissions.
3. Do you currently hold a permission or authorisation from EPA for this activity at the same location?
4. List the permission numbers for all currently held permissions and authorisations.
5. Do you currently hold an exemption for this activity at the same location?
6. List the permission numbers for all currently held exemptions.
7. Have you received any notices from EPA related to this location or activity?
8. List the notice numbers for all notices issued by EPA.

Your track record and performance can be a determining factor in the issue or refusal of a development licence application. EPA considers the track record of applicants through a review of historical permission and authorisation compliance. We consider track records in a general or an overall sense, with all aggravating and mitigating circumstances considered on individual merit.

EPA also takes into consideration your track record through the combined requirements of the fit and proper person and prohibited person assessments.

A permission must only be issued to a person (natural person, company or body corporate) who is deemed a fit and proper person (F&PP) under section 69 of the EP Act. Section 66 of the Act defines what EPA must consider when determining whether a person is a fit and proper person, including:

- environmental compliance
- financial capacity to comply
- any prescribed criteria
- status as a prohibited person (PP).

EPA has developed two questionnaires, one each for the assessment of a F&PP and PP, which must be completed and accompany your development licence application.

The online application allows you to enter your status of whether or not you may be considered a fit and proper person or a prohibited person by EPA. All information and evidence relevant to considering your status as a PP or F&PP can be attached to the online application record.

Community and third-party engagement

The online application provides an opportunity to present details of your engagement with the community and other third parties in the following questions.

1. Have you engaged with the community and other third parties regarding this activity?
2. Summarise any planned or completed consultation, as well as concerns raised and the approach to address them.

Third-party interest can come from any person(s) that is not EPA or the applicant for the proposal, such as other businesses and competitors, fence line and surrounding neighbours, local residents or various community or association groups. Third-party or stakeholder interest will range from high to low, often depending on the activity and a range of other factors.

As part of an assessment, EPA will take into account the type of stakeholder concerns raised and the outcomes of engagement or consultation carried out. 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 the engagement you have already carried out or are proposing.

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

Provide information regarding the level and type of community engagement you have performed in relation to the proposed activity including:

- how you have considered and addressed the Charter of Consultation
- the consultation planned or undertaken on this project
- the concerns raised if you have started talking with the community and third parties
- an explanation of how you will be addressing the concerns raised
- identification of, and consultation with other regulatory decision-makers relevant to your proposed activity, including the status of any other approvals or permissions (e.g. planning permit)
- a stakeholder register identifying issues and concerns, method and date of engagement, names of participants
- any engagement templates, materials and supporting information.

Development licence requirements under the EP Act 2017

All development licence applications need to provide sufficient consideration of, and evidence supporting compliance with the obligations of the EP Act and EP Regulations.

A development licence is required for prescribed development licence activities that pose a risk to human health and the environment. Further to this, they are required when:

- constructing or installing plant, or equipment for a prescribed development activity
- developing processes or systems for a prescribed development activity
- modifying (except for general maintenance) plant, equipment, processes or systems for a prescribed development activity.

The legal basis of development licences is found in section 44 of the *Environment Protection Act 2017*.

Resources for meeting requirements under the EP Act 2017

The online application requires the applicant to identify the permission type and prescribed permission activity. The following tables: 1, 2 and 3 provide support for completing this section in the development licence application.

Table 1 below provides you with the indicative requirements to be met under the EP Act for a development licence application. The list is provided for interim guidance purposes and the requirements may be amended before or following 1 July 2021.

When referring to Table 1, check whether you have provided enough information to address the requirements of each row. If any row is unanswered or insufficiently supported, the application is unlikely to be compliant and you should amend your application to address the requirement, before submission.

Note: Additional information may be requested from an applicant under s50(3) of the Act to ensure EPA has the relevant information to make a determination. You are advised to seek any necessary independent advice to satisfy yourself with your understanding of your obligations.

Table 1: Legislative requirements for a development licence

Item	What a development licence application needs to demonstrate	Section in the Act or Regulation
1	Completion of all fields in the EPA digital application form. Provision of all information required by provisions of the EP Act and subordinate legislation.	<ul style="list-style-type: none"> • s50(a)(i) (Act) • r17 (Regs)
2	As a business applicant, evidence regarding business name and registration of the business name.	<ul style="list-style-type: none"> • r17(1)(c) (Regs)
3	Evidence of the applicant's identity.	<ul style="list-style-type: none"> • s50 (Act) • r17(1)(a) (Regs)
4	A declaration that information is true and correct, signed by: <ul style="list-style-type: none"> • the applicant with authority to do so, or • by two directors, or one director and secretary, in accordance with s127(1) of the <i>Corporations Act 2001</i> (Cth). 	<ul style="list-style-type: none"> • s50 (Act) • r17(1)(b) (Regs)
5	The correct application fee has been paid.	<ul style="list-style-type: none"> • s50(b) (Act)
6	Development activity has been identified as prescribed (demonstrate that what is proposed fits the criteria for a prescribed development activity in Schedule 1 of the Environment Protection Regulations 2021).	<ul style="list-style-type: none"> • s50(1)(d) (Act) • r16/Schedule 1 (Regs)
7	All prescribed information addressing requirements detailed in the Environment Protection Regulations 2021.	<ul style="list-style-type: none"> • s50(1)(e) (Act)
8	Submission of fully completed fit and proper person and prohibited person questionnaires with any relevant supporting documents.	<ul style="list-style-type: none"> • s50(1)(e); s66; s88 (Act) • r17(2)(a-b) (Regs)
9	Calculation and evidence of suitable financial assurance. Mandatory for activities: A01, A05a, A13a, A13b, G04, L02.	<ul style="list-style-type: none"> • s66(1)(b) (Act) • r167 (Regs)
10	Demonstrate compliance with the General Environmental Duty (Applications must demonstrate compliance with s25(1), with consideration to s6 (Act) and common provisions under s25(4)).	<ul style="list-style-type: none"> • s69(3)(a) (Act)

Item	What a development licence application needs to demonstrate	Section in the Act or Regulation
11	Demonstration of impact(s) on human health and the environment (applications must provide a human health and environment risk assessment or equivalent. Demonstrate sufficient content on the specific operating activity risks. Demonstrate proposed controls are reasonably practicable).	<ul style="list-style-type: none"> • s69(3)(b) (Act)
12	Demonstrate compliance with the principles of the <i>Environment Protection Act 2017</i> . EPA has eleven principles of environment protection ('principles') on which the EPA must operate. Refer to Part 2.3 of the Act. The applicant must demonstrate that their proposal incorporates technologies, practices and other measures are capable of meeting each of these principles.	<ul style="list-style-type: none"> • s69(3)(c) (Act)
13	Best available techniques and technologies (BATT) (applications must consider how their activity can be considered BATT. Demonstrate proposed techniques and technologies are compliant with relevant duties so far as is reasonably practicable).	<ul style="list-style-type: none"> • s69(3)(d) (Act)
14	Demonstrate the activity is consistent with the requirements of the EP Act and subordinate legislation without triggering a refusal reason listed in Table 2.	<ul style="list-style-type: none"> • s69(3)(e) (Act)
15	External referrals or other co-regulators have been identified in the application and any details of pre-application consultation included.	<ul style="list-style-type: none"> • s69(3)(f) (Act)
16	Details of communications and engagement activities, comments and submissions received, consideration of the Charter of Consultation (draft).	<ul style="list-style-type: none"> • s69(3)(g) (Act)
17	Details of proposed measures to comply with all relevant applicable duties, including waste duties, other than the GED.	<ul style="list-style-type: none"> • s32(1) (Act) • s39(1) (Act) • s40(1) (Act) • s133(1) (Act) • s134(1) (Act) • s135(1) (Act) • s139(1) (Act) • s140(1) (Act) • s142(1) (Act) • s143(1) (Act)

Item	What a development licence application needs to demonstrate	Section in the Act or Regulation
18	<p>Prescribed matter(s):</p> <ul style="list-style-type: none"> identify and address any other requirements in the Regulations or subsidiary legislation related to the specified development activity. 	<ul style="list-style-type: none"> s69(3)(h) (Act) EP Regulations according to permission type and activity.

Applications may be refused in accordance with provisions of the EP Act and Environment Protection Regulations 2021, including for reasons listed in Table 2: Grounds for refusal. The Authority considers these reasons for refusal when making its assessment of an application.

Table 2: Grounds for refusal

Item	Situation	Reason
1	Priority waste and landfill facilities	<ul style="list-style-type: none"> Section 67 of the Act prevents the Authority from issuing or granting a permission in relation to a landfill site for deposit of Category A waste.
2	Unacceptable risk of harm to human health or the environment.	<ul style="list-style-type: none"> Section 69(4)(a) of the Act – the Authority must refuse to issue the development licence if the Authority considers that the activity that is the subject of an application poses an unacceptable risk of harm to human health or the environment.
3	Fit and proper person	<ul style="list-style-type: none"> Section 69(4)(b) of the Act – the Authority must refuse to issue the development licence if the Authority determines the person is not a fit and proper person to hold a development licence. Section 66 of the Act – the Authority or a council must not issue a permission to a person that is not a fit and proper person. A prohibited person is not a fit and proper person unless it can be demonstrated that it is not contrary to the public interest the person can be

Item	Situation	Reason
		found a fit and proper person to hold a permission.
4	Any prescribed circumstances exist	<ul style="list-style-type: none"> Section 69(4)(c) of the Act – the Authority must refuse to issue the development licence if any prescribed circumstances exist.
5	Wastewater discharge to surface waters	<ul style="list-style-type: none"> For the purposes of sections 69(4)(c), 74(4)(d), 78(3)(c) and 81(4)(c) of the Act, it is a prescribed circumstance if an application specifies an activity involving a wastewater discharge to surface waters in a special water supply catchment area set out in Schedule 5 of the <i>Catchment and Land Protection Act 1994</i>. In this regulation, special water supply catchment area has the same meaning as in the <i>Catchment and Land Protection Act 1994</i>.
6	The Authority may refuse applications for certain facilities if plans not observed	<ul style="list-style-type: none"> Section 426(2)(a) of the Act – the operations of the waste management facility could be inconsistent with the state-wide waste and resource recovery infrastructure plan or relevant regional waste and resource recovery implementation plan.

Development licence application guidance

Refer to Table 3: Key references for further published guidance. This list of references will be updated from time to time. You will be responsible for seeking out any additional resources in the preparation of an application, as part of demonstrating compliance with all requirements of the relevant legislation.

Table 3: Key references for Environment Protection Act 2017 requirements

Resource type	Title	Link
Web page	New laws to better protect the environment	https://www.epa.vic.gov.au/newlaws
Web page	What the new Act means for Victorian businesses	https://www.epa.vic.gov.au/for-business/new-laws-and-your-business
Web page	Development licences	https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/permissions/licences/development-licences
Act	Environment Protection Act 2017	https://www.legislation.vic.gov.au/in-force/acts/environment-protection-act-2017/
Regulations	Environment Protection Regulations 2021 and Environment Reference Standard (ERS)	https://www.epa.vic.gov.au/about-epa/laws/new-laws/subordinate-legislation
Guidance	How the ERS applies	https://www.epa.vic.gov.au/about-epa/laws/epa-tools-and-powers/environment-reference-standard/applying-the-standard
Guideline	Assessing and controlling risk: A guide for business (EPA publication 1695.1)	https://www.epa.vic.gov.au/about-epa/publications/1695-1
Guideline	Industry guidance: supporting you to comply with the general environmental duty (EPA publication 1741)	https://www.epa.vic.gov.au/about-epa/publications/1741

Resource type	Title	Link
Guideline	Implementing the general environmental duty: A guide for licence holders (EPA publication 1851)	https://www.epa.vic.gov.au/about-epa/publications/1851-1
Guideline	<i>Reasonably practicable</i> (EPA publication 1856)	https://www.epa.vic.gov.au/about-epa/publications/1856
Web page	Consideration of climate change in WAAs	https://www.epa.vic.gov.au/for-business/find-a-topic/works-approval/how-to-apply-for-a-works-approval/consideration-of-climate-change-in-works-approvals-applications
Web page	When are Human Health Risk Assessments needed?	https://www.epa.vic.gov.au/for-business/find-a-topic/works-approval/how-to-apply-for-a-works-approval/when-human-health-assessments-are-needed
Web page	Managing waste soil	https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/waste-classification/managing-waste-soil
Web page	Managing waste	https://www.epa.vic.gov.au/about-epa/laws/new-laws/managing-waste
Web page	How to manage combustible recyclable and waste materials	https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/crwm
Web page	Waste duties	https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste

Resource type	Title	Link
Web page	Contaminated land duties	https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-contaminated-land/about-contamination/understanding-your-contaminated-land-duties

General environmental duty and permissions

The online application provides an opportunity to present a summary of how the activity will comply with the requirements of the GED in the following question.

1. Provide a summary of measures used to comply with the general environmental duty.

The new Act will change Victoria's focus for environment protection and human health to a prevention-based approach, underpinned by the general environmental duty (GED).

The general environmental duty (GED) is a principle-based obligation that requires a permission applicant or permission holder to meet a certain standard of conduct. Within this, you need to demonstrate the elimination, and for all residual risks that cannot be eliminated the minimisation, so far as reasonably practicable, of risks to human health and the environment from pollution or waste arising from any activity which you engage in.

The duty does not, however, specify a means by which this standard can be undertaken, nor specify the risks to which it applies, other than in broad terms of human health and the environment. Rather, the responsibility rests with the permission applicant and permission holder to identify and control risks of harm associated with their activities.

Applications must demonstrate compliance with s25(1), with consideration to s6 (Act) and common provisions under s25(4). The GED (section 25(4) of the EP Act) specifies five broad areas of risk control:

- use of plant, equipment, processes and systems to eliminate or minimise risk
- ongoing and systematic identification and evaluation of risks to identify further risk control measures
- incident response systems
- substance handling, management and transport
- provision of information, instruction, supervision and training to any person engaging in the activity to enable those persons to comply with the GED.

Failure to address any one of these areas may be deemed to be a contravention of the GED.

So far as reasonably practicable

The online application provides an opportunity to present a summary of how the activity will reduce risks to human health and the environment, so far as reasonably practicable, with the following questions.

1. Provide a summary of the risk assessment identifying risks to human health and the environment.
2. Provide a summary of how identified risks are eliminated or reduced as far as reasonably practicable.

The term 'so far as reasonably practicable' is closely linked to the GED. Applicants or permission holders must first eliminate risks to human health and the environment. It is understood in some instances this may not always be possible. Justification of when and why this is not possible must be provided. In some instances, it may be the case when there is a lack of available technology to eliminate the risk and/or when the costs of eliminating the risk can be shown to be clearly disproportionate to the hazard. In all cases, you are required to demonstrate how you are taking all reasonably practicable steps to minimise the risks. EPA has prepared guidance on how to consider so far as reasonably practicable which can be used when preparing an application.

State of knowledge

The online application provides an opportunity to present a summary of your state of knowledge with the following question.

1. Outline your experience and competency in performing this activity.

State of knowledge (SoK) is the term that captures the expected level of knowledge for a permission applicant, holder or industry when related to a particular activity.

As new methods and technologies are discovered and shared publicly, there is a higher expectation upon a permission holder to know research and understand what's available and implement best available techniques and technology into their proposed permissions activity.

SoK is also formed through the publication of policies and guidance relevant to environmental segments, prescribed activities or regulatory decision-making. These publications can come from multiple and diverse sources, including the EPA, other interstate or international regulators and industry bodies. An applicant or permission holder must establish, demonstrate and maintain their SoK throughout the life of their activity.

State Environment Protection Policies (SEPPs) and Waste Management Policies (WMPs)

The EP Act, its regulations and the ERS replace many of the clauses in State Environment Protection Policies (SEPPs) and Waste Management Policies (WMPs). However, where the provisions contained in the SEPPs and WMPs are not explicitly superseded, some will remain useful in forming part of the SoK. If a SEPP or WMP sets out criteria or other information relevant to granting a permission, EPA may consider those clauses to make a decision under the EP Act. In these instances, some clauses in SEPPs and WMPs will continue to represent EPA operational policy.

This means that EPA will continue to apply the intent of the clause to our regulatory activities and decision-making, consistent with the EP Act, ERS, Regulations and guidance, including when making decisions on permissions.

Environment reference standard

The Environment Reference Standard (ERS) is a new tool made under the *Environment Protection Act 2017*. The ERS:

- identifies environmental values that the Victorian community want to achieve and maintain
- provides a way to assess those environmental values in locations across Victoria
- specifies indicators and objectives to be used to measure, determine or assess whether those environmental values are being achieved, maintained or threatened.

The environment reference standards set out the environmental values of the ambient air, acoustic, land and water environments that are sought to be achieved or maintained in Victoria. The ERS must be considered when required by law. To do this, you should identify the relevant environmental values in your proposal. Consider things like:

- what you know about the proposal or type of activity
- possible direct or indirect impacts from the activity
- the environmental setting.

Standards for the environmental values are comprised of objectives for supporting different uses of the environment. Also, indicators, that can be measured to determine whether those objectives are being met. By providing a benchmark for comparing desired outcomes to the actual state of the environment, they enable an understanding of the current condition of the environment and a basis for assessing actual and potential risks to environmental values.

The ERS works alongside the GED. The GED is central to the new Act and is a critical part of a licence decision. Your proposed measures to comply with the GED may still result in environmental impacts. The ERS provides a benchmark for looking at these impacts. It helps EPA evaluate whether these impacts are reasonable, or whether you may need to do more before EPA will issue the licence.

Consideration of activity hazards and risk of harm to human health and environment

The online application provides an opportunity to present a summary of your activity's hazards and risks, along with how you propose to manage those risks with the following questions.

1. Provide a summary of the risk assessment identifying risks to human health and the environment.
2. Provide a summary of how identified risks are eliminated or reduced as far as reasonably practicable.
3. Provide a summary of environmental management systems used to prevent or minimise impact on the environment.
4. Provide a summary of the activity's potential human health impacts.
5. Provide a summary of the systems and processes to prevent or minimise impacts to human health.

Applications must include a human health and environment (HHE) risk assessment addressing the hazards, risks and proposed controls for the proposed activities.

Relevant guidance to inform your state of knowledge includes but is not limited to:

- [Assessing and controlling risk: A guide for business](https://www.epa.vic.gov.au/about-epa/publications/1695-1) (EPA publication 1695.1) (<https://www.epa.vic.gov.au/about-epa/publications/1695-1>)
- [Industry guidance: supporting you to comply with the general environmental duty](https://www.epa.vic.gov.au/about-epa/publications/1741-1) (EPA publication 1741) (<https://www.epa.vic.gov.au/about-epa/publications/1741-1>)
- [Implementing the general environmental duty: A guide for licence holders](https://www.epa.vic.gov.au/about-epa/publications/1851-1) (EPA publication 1851) (<https://www.epa.vic.gov.au/about-epa/publications/1851-1>)
- [Reasonably practicable](https://www.epa.vic.gov.au/about-epa/publications/1856) (EPA publication 1856) (<https://www.epa.vic.gov.au/about-epa/publications/1856>)

Your risk assessment should reference supporting sections and/or documents that are part of your application.

In presenting the hazards, risks, BATT and available and proposed controls of the activity in your HHE risk assessment, you should include information on any existing activities and a detailed description of the proposed activities.

This should include an explanation of any existing activity operational onsite, including the identification of any modification or changes.

In providing a detailed outline of your proposed activity, include (where applicable):

- the reasons for your proposed activity
- what the wastes are, how much waste the activity will produce and how waste will be managed
- the likely hours of operation
- the source of raw materials
- the fate of waste or substance produced
- the expected market

- site layout plan
- design drawings
- block flow (BFD), process flow (PFD) and/or piping and instrument (PID) diagrams
- conceptual site mode (CSM)/activity plan
- the separation distance of the site from nearby sensitive premises (houses, schools, hospitals) and water courses (rivers, streams, creeks).

In presenting your assessment of unmitigated or controlled risks, you must consider the relevant environmental values specified in an ERS that may be impacted by risks your proposed activity poses to HHE.

In presenting your assessment of the available processes and technologies for managing risks for your proposed activities, you must present your state of knowledge of the best available techniques and technologies for conducting your activity. Alternatively, how you are eliminating or otherwise minimising risk of harm from the activity.

Choice of process and technology

The online application provides an opportunity to present a summary of this information with the following questions.

1. Provide a summary of the background environmental condition.
2. Is this construction or installation of plant or equipment required?
3. Describe the required plant or equipment to be constructed or installed.
4. Describe the processes or systems you will develop to perform the activity.
5. Is this a new activity or a modification to an existing activity?
6. Outline your experience and competency in performing this activity.

The environmental impact of an activity varies with the type of materials, processes and technology used. In describing these, explain:

- What are the risks to human health and environment from the activity and its materials, processes and technologies?
- What were the key factors determining the risks?
- What alternatives were considered and what was their performance in comparison to BATT, each other, and the criteria for determining what is reasonably practicable?
- What are the advantages and disadvantages of each option?

How do they meet the requirements of being considered so far as reasonably practicable, with consideration to guidance on BATT and processes and technologies below?

Processes and technologies

For each alternative considered in your selection of processes and technologies to manage the risks arising from the proposed activity, your assessment of the options should include:

- the key inputs – including raw materials, energy and water inputs at each of the key steps in the process
- the key outputs – including emissions, product, by-product and waste outputs at each of the key steps in the process
- the key process controls – at each of the key steps in the process, including:
 - any emissions control
 - waste treatment, management, storage
 - measurement and feedback systems that will be used to manage environmental performance.

Supporting documentation should include:

- process flow diagrams to illustrate the key processes, inputs, outputs and controls
- a resource efficiency diagram with material balance data included where possible.

For activities involving the storage or management of flammable or combustible waste material, you will need to provide an assessment of the site fire risks and advice from a suitably qualified person. Explain how the site will implement the necessary fire hazard controls, including:

- identification of site and structure fire hazards and how all other possible ignition or fuel sources have been minimised
- details of firefighting infrastructure, equipment and quantity of extinguishing substances (e.g. water, foam, retardant) equipment necessary to effectively extinguish any potential fire anywhere at the activity site.

Best available techniques and technology

The online application provides an opportunity to present a summary of this information with the following question.

1. Provide a summary of measures considered as best available techniques or technologies.

Best Available Techniques and Technology (BATT) can be understood as the most effective and advanced stage in the development of activities and their methods of operation.

BATT can be formed through considering the practical suitability of particular techniques designed to prevent and, where that is not practicable, reduce emissions and the impact on the environment as a whole by breaking it down into the different elements:

- ‘techniques or technologies’ includes both the techniques and technology used and the way the installation is designed, built, maintained, operated and decommissioned
- ‘available’ means those techniques or technologies which are reasonably accessible to the operator under economically and technically viable conditions

- 'best' means most effective in achieving the necessary level of protection of human health and the environment.

Consideration of BATT must be demonstrated when presenting your assessment of proposed techniques and technologies, including all plant, equipment, processes or systems of the proposed activity. It must be demonstrated that any residual risk of harm to human health and the environment is not an unacceptable risk.

Consideration of specific human health and environmental segments

If you emit pollution or waste into the environment, you have responsibilities under the [general environment duty \(GED\)](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/general-environmental-duty) (<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/general-environmental-duty>). You must control, eliminate or minimise, as far as reasonably practicable, risks to human health and the environment.

Being proportionate and preventative means you must:

- understand the risks
- actively seek out ways to eliminate or minimise these risks
- ensure any risks remaining after you've implemented controls, are within acceptable limits.

You also have an obligation to identify, assess and control the risk of harm to human health and the environment from emissions that may occur as a result of your activities. There must be a clear evaluation of emission sources, types of and quantity of emissions. Analysis must be presented on the emitting and receiving environment, with clear assessment of the effectiveness of the proposed controls.

You must also consider the relevant environmental values of the ERS. These set the benchmark for the quality and protection of the environment. The ERS is a reference standard, not a compliance standard for businesses. However, some government decision-makers must take the ERS into account when making some decisions.

As part of a development licence application, you must clearly show the impact of your activities on human health and the environment, in line with the requirements of the relevant legislation.

Human Health

You may also need to submit a Human Health Risk Assessment (HHRA) or other relevant human health assessment documents to EPA. You might need to do this when:

- there's been a failure to meet the requirements of Victorian policy
- an initial assessment shows that adopted threshold policy or guideline values have been exceeded
- the indicators and objectives identified in ERS (Part 2 – Ambient Air) aren't achieved by the proposal, or the proposed emissions are not eliminated or minimised
- predicted emissions or wastes from a proposal include one or more key pollutant(s) that aren't listed within the current Victorian policy framework and relevant alternative standards haven't been identified
- current and robust scientific literature indicates a causal relationship between the proposed activity and a measurable health impact in the community

Development licence application guidance

- the proposal involves the release of multiple chemicals with the potential for significant cumulative (additive or synergistic) health effects in the exposed community
- independent expert advice sought by EPA highlights potential health effects and/or recommends that an HHRA be undertaken
- submissions received (including those in any conference of interested persons report recommendations) have identified potential health impacts which justify more consideration and assessment
- EPA has determined that an HHRA that's previously been undertaken needs updating or review.

While a request for an HHRA would usually occur at the pre-application and pre-acceptance stages, it can also come throughout EPA's technical assessment of an application.

Any HHRA that accompanies a development licence application must be prepared using the [Environmental Health Risk Assessment Guidelines for assessing human health risks from environmental hazards](https://www1.health.gov.au/internet/main/publishing.nsf/content/A12B57E41EC9F326CA257BF0001F9E7D/$File/Environmental-health-Risk-Assessment.pdf)

([https://www1.health.gov.au/internet/main/publishing.nsf/content/A12B57E41EC9F326CA257BF0001F9E7D/\\$File/Environmental-health-Risk-Assessment.pdf](https://www1.health.gov.au/internet/main/publishing.nsf/content/A12B57E41EC9F326CA257BF0001F9E7D/$File/Environmental-health-Risk-Assessment.pdf)).

Climate change and greenhouse gas (GHG) emissions

The online application provides an opportunity to present a summary of this information with the following questions.

1. Provide a summary of greenhouse gas emissions generated from this activity.
2. Provide a summary of systems and processes to prevent or minimise greenhouse gas emissions.
3. Provide a summary of potential impacts from climate change on the activity and related adaptation methods.

In your development licence application, you must address climate change and greenhouse gas emissions as part of your activity.

We use this to understand the:

- level of GHG emissions
- how your GHG emissions profile fits within any emission targets and how this may be affected by future emission targets
- proposed activity has adopted best available techniques and technology for minimising energy consumption and GHG emissions.

Climate Change Act 2017

The duties set out in the *Climate Change Act 2017* (CC Act) do not change EPA's existing powers and obligations set out in the *Environment Protection Act 2017*. Rather, it requires the consideration of additional factors when making permissioning decisions including the following.

Section 17(1) of the Climate Change Act 2017 (CC Act) requires EPA to consider climate change in permissioning decisions. This includes issuing or refusing an application for a permission, including a development licence as identified in Schedule 1 of the CC Act.

Section 17 (2) requires EPA to have regard to:

- the potential impacts of climate change relevant to the decision or action
- the potential contribution to the State's greenhouse gas emissions of the decision or action
- any guidelines issued by the Minister (Victorian Minister for Energy, Environment and Climate Change) under section 18. To date, no such guidelines have been issued.

Section 17 (3) sets out the relevant considerations for EPA regarding the potential impacts of climate change. These are the potential:

- biophysical impacts
- long and short term economic, environmental, health and social impacts
- beneficial and detrimental impacts
- direct and indirect impacts
- cumulative impacts.

Section 17 (4) sets out the relevant considerations for EPA regarding the potential contribution to the State's greenhouse gas emissions. These are the potential:

- short-term and long-term greenhouse gas emissions
- direct and indirect greenhouse gas emissions
- increases and decreases in greenhouse gas emissions
- cumulative impacts of greenhouse gas emissions.

As with EPA's existing permission application processes, you need to provide sufficient information within your application to enable us to make an informed decision.

The CC Act also includes a net zero greenhouse gas target for Victoria by 2050. It also provides a way to achieve this by setting interim targets and monitoring and reporting of performance against these targets.

The development licence process ensures consideration is given to greenhouse gas emissions during the planning stage of future development of scheduled activities. There's still a need to continually minimise emissions in line with the waste hierarchy and GED.

Key climate change concepts

Key climate change concepts we consider when making decisions on permission applications, including development licences are:

- Climate change will result in altered environmental conditions. For example, from sea-level rise, changes in flood plains, more frequent and pronounced droughts, or more extreme wet weather and storms.
- Climate change resilience and adaptation – managing the effect or potential effect of climate change impacts on the proposed design of an activity to be resilient to those impacts. For example, is the proposed activity at risk from increased flooding and what design changes have been made to mitigate this risk? Will the activity be able to operate as planned with the projected changes in climate? What design changes and future contingencies are proposed?
- Potential impacts of proposals under a changed climate will be different. For example, from reduced dilution of pollutants within a river in 2030, flowing at 70 per cent of current flow.
- Potential impacts will be varied and complex – impacts may:
 - be beneficial or detrimental
 - be direct or indirect
 - be cumulative
 - have effect on other economic, health and social considerations
 - have different durations (long-term changes in climate and environmental conditions, contrasting with temporary extreme storm events).
- Reduction of greenhouse gas emissions - managing activities to reduce greenhouse gas emissions. For example:
 - by switching to renewable energy sources
 - through installation of more energy efficient plant
 - regular maintenance of plant to ensure it is operating efficiently.

Climate change projections

For the most recent (2016) regional climate change projections (for 2030 and 2070), read the Victorian Government's [Climate Ready Factsheets and Regional Data Sheets](https://www.climatechange.vic.gov.au/information-and-resources) (DELWP) (<https://www.climatechange.vic.gov.au/information-and-resources>). Also review the CSIRO and Bureau of Meteorology's projections on the Commonwealth Government's [Climate Change in Australia](https://www.climatechangeinaustralia.gov.au/en/) website (<https://www.climatechangeinaustralia.gov.au/en/>).

Information on future surface water availability under a changed climate was published by the [Victorian Climate Initiative](https://www.water.vic.gov.au/climate-change/climate-and-water-resources-research/victorian-climate-initiative) (<https://www.water.vic.gov.au/climate-change/climate-and-water-resources-research/victorian-climate-initiative>) in 2016 which includes [hydroclimate predictions for 2040 and 2065](https://publications.csiro.au/rpr/download?pid=csiro:EP161427&dsid=DS2) (<https://publications.csiro.au/rpr/download?pid=csiro:EP161427&dsid=DS2>).

Read detailed information on sea level rise projections for 2100 under low, medium and high emissions scenarios (for Victorian central coastline between Bells Beach and San Remo (including Port Phillip Bay and Westernport Bay) at Geoscience Australia's [OzCoasts](https://ozcoasts.org.au/maps-data/) (<https://ozcoasts.org.au/maps-data/>).

For further background and detailed explanation of climate change projections in Australia, the use of projection data and key consideration in the use of the data, refer to the Department of Environment and Bureau of Meteorology's Climate Change in Australia website.

Climate change adaption, resilience and impact assessment

You can read information on the potential impacts of climate change in [Protecting our future environment in a changing climate](https://www.epa.vic.gov.au/about-epa/publications/1293) (EPA publication 1293) (<https://www.epa.vic.gov.au/about-epa/publications/1293>). This informs state of knowledge on predicted changes to the Victorian climate (at the time of publication). It also explains the potential impacts arising from future changes to the climate. For more up to date climate change projection information, refer to Victorian Government's [Climate Ready Factsheets and Regional Data Sheets](https://www.climatechange.vic.gov.au/information-and-resources) (DELWP) (<https://www.climatechange.vic.gov.au/information-and-resources>).

As there's no published guidance documents that are applicable to all environmental segments, economic, health and social considerations or industrial sectors, use the DELWP factsheets as a starting point. You can also have further discussion with us at the pre-application stage.

Greenhouse gas emissions

There aren't any sector-specific greenhouse gas emission calculators but review the [National Greenhouse Accounts \(NGA\) Factors webpages](https://www.industry.gov.au/data-and-publications/national-greenhouse-gas-inventory-quarterly-updates) (<https://www.industry.gov.au/data-and-publications/national-greenhouse-gas-inventory-quarterly-updates>) for further information. The NGA Factors are designed for use by companies and individuals to estimate greenhouse gas emissions and are updated annually.

You should also refer to [Protocol for environmental management: greenhouse gas emissions and energy efficiency in industry](https://www.epa.vic.gov.au/about-epa/publications/824) (EPA publication 824) (<https://www.epa.vic.gov.au/about-epa/publications/824>). This document informs state of knowledge for business on elimination and minimisation of greenhouse gas emissions and energy consumption.

Refer to the [Australian Greenhouse Gas Emissions Information System](https://ageis.climatechange.gov.au/SGGI.aspx) (<https://ageis.climatechange.gov.au/SGGI.aspx>) to obtain the latest greenhouse gas emission data to inform your application.

Information you need to provide

You need to include sufficient information in your application to enable EPA to consider potential climate change impacts and the contribution to Victoria's emission of greenhouse gas.

You should be transparent in your application, including information about and showing that you've considered and assessed:

- potential impacts of climate change on the proposal. That is, how resilient the proposal will be to future environmental conditions under climate change and what (if any) climate change adaptation measures are proposed. If measures are considered necessary, you should clearly identify these in a discrete Climate Change Adaptation Management Plan (CCAMP). The CCAMP should include a schedule of the proposed measures, details of the regular monitoring and review of key parameters that will trigger the implementation of the adaptation measure(s)

- potential impacts of a proposal under future climate scenarios with reference to the Victorian Government's Climate Ready Factsheets and Regional Data Sheets
- potential contribution to Victoria's greenhouse gas emissions and adoption of best practice measures to reduce greenhouse gas emissions with reference to [Reasonably Practicable](https://www.epa.vic.gov.au/about-epa/publications/1856) (EPA publication 1856) (<https://www.epa.vic.gov.au/about-epa/publications/1856>). This should indicate the overall level of energy use and energy-related GHG emissions associated with your current and proposed activity. For assistance in determining these figures refer to the latest issue of National Greenhouse Accounts (NGA) Factors, published by the Department of Climate Change and Energy Efficiency
- provide the overall emission rate of any nonenergy-related GHG associated with your proposal:
 - indicate where any current energy use and GHG emissions will be generated, replaced, or reduced by the plant, equipment, processes or systems of the proposed activity.
 - explain how you have derived the data provided above, and provide details, if you have relied on factors other than those in the National Greenhouse Accounts (NGA) factors.
 - present this information in tabular or graphical form.
- explain where any current energy use and GHG emissions will be generated, replaced or reduced by the plant, equipment, processes or systems of the proposed activity.
- explain how you have derived the data provided above (for example, motor capacities and expected operating hours) and provide details if you have relied on factors other than those in the National Greenhouse Accounts (NGA) Factors.
- identify the main processes and major equipment items where energy will be used in the activity. Complete this in tabular form or provide pie charts showing the same information. Provide a detail of your current and expected energy use respectively, including:
 - the types of energy or fuel used
 - the annual quantity of each
 - the associated GHG emissions
 - graphical or tabular form of the above information.

Air

The online application provides an opportunity to present a summary of this information with the following questions.

1. Provide a summary of the activity's emissions to air.
2. Provide a summary of the systems and processes to prevent or minimise impacts from air emissions.

EPA has developed a guideline for assessing and minimising air pollution in Victoria. The risk-based assessment of air pollution is intended to assist applicants to manage their risks and ensure continuous improvement of air quality. The draft [Guideline for assessing and minimising air pollution in Victoria](https://engage.vic.gov.au/new-environmental-laws/guideline-assessing-and-minimising-air-pollution-victoria) (<https://engage.vic.gov.au/new-environmental-laws/guideline-assessing-and-minimising-air-pollution-victoria>) provides further information.

Noise

The online application provides an opportunity to present a summary of this information with the following questions.

1. Provide a summary of the activity's noise emissions.
2. Provide a summary of the systems and processes to prevent or minimise impacts from noise emissions.

The new legislation defines noise as unwanted sound. It also introduces unreasonable noise, aggravated noise and other related concepts in relation to prescribed activities. A way to assess the risk of noise emissions from commercial, industrial and trade premises and entertainment venues has been established EPA's publication *Noise limit and assessment protocol* (publication 1826). Also review [New noise boundaries for major urban areas](https://www.epa.vic.gov.au/about-epa/laws/new-laws/summary-of-regulations/summary-of-noise-regulations/new-noise-boundaries-for-major-urban-areas) (<https://www.epa.vic.gov.au/about-epa/laws/new-laws/summary-of-regulations/summary-of-noise-regulations/new-noise-boundaries-for-major-urban-areas>).

Water

The online application provides an opportunity to present a summary of this information with the following questions.

1. Provide a summary of the activity's emissions to surface waters.
2. Provide a summary of the systems and processes to prevent or minimise impacts to surface water.

In your application, consider all the potential risks to human health and the environment from a discharge of water into the environment.

Consider the source, quality, volume and management of water discharges from the activity. This includes discharges which are direct and indirect, for example a direct discharge to a surface water body or stream. Water discharged indirectly includes water from surfaces or stormwater systems. Analysis of all system designs that treat and manage water must be capable of eliminating or managing residual risks as far as reasonably practicable. **You must also manage any discharge in accordance with the waste hierarchy, where avoidance is the highest priority.**

To assist in the management of stormwater from various activities, read [Reducing stormwater pollution: business and industry](https://www.epa.vic.gov.au/for-business/find-a-topic/prevent-water-pollution/stormwater-industry) (<https://www.epa.vic.gov.au/for-business/find-a-topic/prevent-water-pollution/stormwater-industry>).

Land and groundwater

The online application provides an opportunity to present a summary of this information with the following questions.

1. Provide a summary of the activity's emissions to land or groundwater.
2. Provide a summary of the systems and processes to prevent or minimise impacts to land and groundwater.

There is a direct relationship between the impact to land and groundwater from an activity. **If you engage in activities which involve an emission or discharge to land or groundwater, you must fully manage that risk.** This includes explaining the siting, management and designs of systems and process to manage discharges.

To manage potential risks, you should justify the proposed discharge in the context of the hydrogeological setting. [Hydrogeological assessment \(groundwater quality\) guidelines](https://www.epa.vic.gov.au/about-epa/publications/668) (EPA publication 668) (<https://www.epa.vic.gov.au/about-epa/publications/668>) provides guidance on the preparation of a hydrogeological assessment for an applicant.

Manage any discharge in accordance with the waste hierarchy, where avoidance is the highest priority.

Odour

The online application provides an opportunity to present a summary of this information with the following questions.

1. Provide a summary of the activity's emissions of odour.
2. Provide a summary of the systems and processes to prevent or minimise impacts from odour emissions.

An operator of an activity has an obligation to suitably manage their risk of odour. It must be clear what the sources of odour are, their intensity, characteristic and duration and how the risk has been eliminated or managed. Odour is identified as being of significant concern to the community and it's recognised as such in the ERS. Your application must contain sufficient information to demonstrate the elimination or management of odour from the prescribed activity.

Waste

The online application provides an opportunity to present a summary of this information with the following questions.

1. Summary of how waste is managed in line with the waste management hierarchy.
2. Detail the systems and processes used to minimise risks of harm to human health and the environment from the handling, storage, use and transportation of the waste substance.
3. Does your activity include management or control of industrial waste, priority waste and/or reportable priority waste?
4. Detail the type, quantity and treatment of waste.
5. Is this proposed activity included in a relevant schedule of Regional Waste and Resource Recovery Implementation Plan?

The Waste Regulations create a framework for how to comply with the new waste duties in the *Environment Protection Act 2017*. Waste duties apply to people who generate, transport or receive waste.

Together, the waste duties and the waste regulations manage risks to human health and the environment. They also support and encourage reuse of waste and resource recovery.

For each proposed activity, explain the wastes and substances that may be generated, stored, treated or disposed of and the risks arising from those wastes.

You must also demonstrate the classification and if relevant, the disposal categories of each waste and the measures you plan to use to comply with relevant waste duties. The following guidance informs your state of knowledge:

- [Summary of proposed waste framework](#) (EPA publication 1756)
- [Managing waste and waste duties](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste) (https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste)
- [Managing waste soil](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/waste-classification/managing-waste-soil) (https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/waste-classification/managing-waste-soil)
- [How to manage combustible recyclable and waste materials](https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/crwm) (https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/crwm)
- [Understanding your contaminated land duties](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-contaminated-land/about-contamination/understanding-your-contaminated-land-duties) (https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-contaminated-land/about-contamination/understanding-your-contaminated-land-duties)
- [Waste classification assessment protocol](https://www.epa.vic.gov.au/about-epa/publications/1827-2) (EPA publication 1827) (https://www.epa.vic.gov.au/about-epa/publications/1827-2)
- [Waste disposal categories - characteristics and thresholds](https://www.epa.vic.gov.au/about-epa/publications/1828-2) (EPA publication 1828) (https://www.epa.vic.gov.au/about-epa/publications/1828-2)

Other Approvals

Development Licence assessments require additional information that must be provided according to the prescribed activity. The digital application will present a series of questions which must both be answered and supported by evidence or further information relevant to an activity.

Financial assurance for prescribed permission activities

A financial assurance is used to provide a security for the costs of remediation or clean up associated with certain waste management and contaminated land activities. Under section 219(1) of the Act, EPA may require a financial assurance as a condition of a prescribed permission.

The activities from Schedule 1 of the Regulations that may be required to have a financial assurance as a condition of a permission, are set out in Regulation 167. They are:

1. Reportable priority waste management (A01).
2. Landfills - excluding municipal landfills servicing <5000 people (A05a).
3. Waste and resource recovery – large (A13a).
4. Waste and resource recovery - medium (A13b).
5. Bulk storage (G04).
6. Contaminated sites – on-site soil containment (L02).

EPA will determine if financial assurance is required as a condition of a permission, by applying the risk assessment criteria in the Regulations.

Financial assurance proposals for permission applications

For landfill licenses and waste and resource recovery permits and licenses, permission holders are required to provide a financial assurance proposal as part of the permission application process. This proposal calculates the amount of financial assurance required using the

relevant method published by EPA. For landfill licenses, the proposal must be verified by an environmental auditor.

For other prescribed permissions, EPA calculates the amount of financial assurance based on the information provided in the permission application.

Financial assurance guidance

The online application provides an opportunity to present a summary of this information with the following questions.

1. Do you require financial assurance for this activity at this location?
2. Summarise the proposed amount and type of financial assurance.
3. Summarise the profitability of the activity, investment at the site and likelihood of the site being abandoned.
4. Summarise the nature and costs of clean up for the activity.

New guidance about [Financial assurance](https://www.epa.vic.gov.au/for-business/find-a-topic/licences/financial-assurances) (<https://www.epa.vic.gov.au/for-business/find-a-topic/licences/financial-assurances>) is available on our website. This information includes EPA's methods of calculating the amount of financial assurance needed for landfills, reportable priority waste management and waste and resource recovery facilities. For further information contact the financial assurance team at financial.assurance@epa.vic.gov.au

Commissioning/proof of performance

The online application provides an opportunity to present a summary of this information with the following questions.

1. Do you require a proof of performance (commissioning) testing plan in relation to this activity?
2. Summarise the proof of performance testing plan for this activity.

Development licences that are issued from 1 July 2021, commissioning activities will be conducted under conditions included in the development licence.

You should consider these risks when you apply and explain how you will commission the activity, including any proof of performance testing. The management of this risk needs to be clearly considered and mitigated. In some instances, an amendment may be required to manage the risks arising from the activities during start-up and commissioning.

Development licences that transitioned from works approvals issued under the *Environment Protection Act 1970* will be managed differently. Commissioning involving waste generation or discharge to environment will be conducted using an s157 Authorisation for discharge or disposal. The permission holder will need to apply for an s157 ADD for commissioning via the online portal.

Decommissioning

The online application provides an opportunity to present a summary of this information with the following question.

1. Provide a summary of post-closure plans, including aftercare management, decommissioning and rehabilitation.

Applications must include an initial decommissioning plan that describes:

1. The decommissioning and rehabilitation of the activity site.
2. A plan for progressive rehabilitation where relevant.
3. A plan for post-closure management of the activity site and the permission and financial assurance relinquishment process.

EPA expects decommissioning, rehabilitation and closure to result in a safe, non-polluting site with no unacceptable liability to the state, or unacceptable risk of harm to human health and environment. A thorough understanding of the condition of the activity site before starting the prescribed activity provides a benchmark for decommissioning.

Planning for decommissioning and rehabilitation is a life-of-activity process and needs to be considered at an early stage. Follow these steps for successful closure:

1. Commence the planning process as early as possible.
2. Update the plan progressively as site and activity specific knowledge increases, with the level of detail reflecting the stage in the development of the activity.
3. Be risk and outcomes focused in planning, founded on verifiable scientific information, site specific data.
4. Have regular consultation with stakeholders including the regulators and community throughout the entire rehabilitation and closure process.