



Environment Protection Act 1970

STATE ENVIRONMENT PROTECTION POLICY (AMBIENT AIR QUALITY)

The Governor in Council, under sections 16(1), 16(2) and 17A of the **Environment Protection Act 1970**, and on the recommendation of the Environment Protection Authority, declares the following state environment protection policy (Ambient Air Quality) to be observed throughout Victoria.

Dated: 9 February 1999

Responsible Minister:
MARIE TEHAN
Minister for Conservation and Land Management

MATTHEW GROVES
Clerk of the Executive Council

PART 1 - PRELIMINARY

1. Title

This policy may be cited as the state environment protection policy (Ambient Air Quality).

2. Purposes

The purposes of this Order are to:

- (1) adopt the requirements of the National Environment Protection Council (Ambient Air Quality) Measure as the State environment protection policy (Ambient Air Quality); and
- (2) incorporate components of the State environment protection policy (The Air Environment) to include all ambient air quality objectives relevant to Victoria within the State environment protection policy (Ambient Air Quality).

3. Commencement

This Order will come into operation upon publication in the Government Gazette.

4. Contents of policy

This policy is divided into parts as follows -

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SCHEDULE 1 - Environmental Indicators

SCHEDULE 2 - Environmental Quality Objectives and Goal

SCHEDULE 3 - Australian Standards Methods for Environmental Indicator Monitoring

PART I - PRELIMINARY

5. Definitions

- (1) This clause defines particular words and expressions used in this policy.
- (2) In this policy:

“**Agreement**” means the agreement made on 1 May 1992 between the Commonwealth, the States, the Australian Capital Territory, the Northern Territory and the Australian Local Government Association, a copy of which is set out in the Schedule to the **National Environment Protection Council (Victoria) Act 1995**;

“**ambient air**” means the external air environment, it does not include the air environment inside buildings or structures;

“**national ambient air quality measure**” means the National Environment Protection Council (Ambient Air Quality) Measure made by the National Environment Protection Council on 26 June 1998 under subsection 14(1) of the **National Environment Protection Council (Victoria) Act 1995** and the equivalent provision of the corresponding Act of the Commonwealth and each participating State and Territory;

“**Authority**” means the Environment Protection Authority constituted under the **Environment Protection Act 1970**;

“**Council**” means the National Environment Protection Council established by section 8 of the **National Environment Protection Council (Victoria) Act 1995** and the equivalent provision of the corresponding Act of the Commonwealth and each participating State and Territory;

“**environmental indicator**” means any physical, chemical or biological characteristic used as a measure of environmental quality, as described in clause 9 and is exactly equivalent to a “pollutant” in the national ambient air quality measure.

“**environmental quality objective**” means a level of an indicator prescribed for the protection of a beneficial use as described in clause 9 and is exactly equivalent to a “national environment protection standard” in the national ambient air quality measure.

“**fire management**” means all activities associated with the management of fire prone land, including the use of fire to meet land management goals and objectives;

“**monitoring station**” means a facility for measuring the concentration of one or more pollutants in the ambient air in a region or sub-region;

“**participating jurisdiction**” means the Commonwealth, a participating State or a participating Territory;

“**participating State**” means a State:

- (a) that is a party to the Agreement; and
- (b) in which an Act that corresponds to the **National Environment Protection Council (Victoria) Act 1995** is in force in accordance with the Agreement;

“**participating Territory**” means a Territory:

- (a) that is a party to the Agreement; and
- (b) in which an Act that corresponds to the **National Environment Protection Council (Victoria) Act 1995** is in force in accordance with the Agreement;

“**particles as PM₁₀**” means particulate matter with an equivalent aerodynamic diameter of 10 micrometres or less;

“**performance monitoring station**” means a monitoring station used to measure achievement against the goal;

“**ppm**” means parts per million by volume;

“**region**” means an area within a boundary surrounding population centres as determined by the relevant participating jurisdiction;

“**sub-region**” means a populated area within a region whose air quality differs from other areas in the region due to the topography, meteorology and sources of pollutants;

“**µg/m³**” means microgram per cubic metre referenced to a temperature of 0 degrees Celsius and an absolute pressure of 101.325 kilopascals;

6. Desired environmental outcome and goal

- (1) The desired environmental outcome of this policy is ambient air quality that allows for the adequate protection of the beneficial uses set out in clause 8.
- (2) The Goal of this policy is to achieve the objectives as assessed in accordance with clause 10, within ten years from commencement of the national ambient air quality measure to the extent specified in Schedule 2 column 5.

PART II - BOUNDARIES OF THE AREA AFFECTED

7. Policy area

This policy shall be observed throughout the State of Victoria and shall apply to all ambient air.

PART III - BENEFICIAL USES TO BE PROTECTED

8. Beneficial uses

The following beneficial uses are protected throughout the State of Victoria:

- (1) human health and well-being.
- (2) life, health and well-being of other forms of life including animals and vegetation.
- (3) visibility.
- (4) useful life and aesthetic appearance of buildings, structures, property and materials.
- (5) aesthetic enjoyment and local amenity.

PART IV - ENVIRONMENTAL INDICATORS AND ENVIRONMENTAL QUALITY OBJECTIVES

9. Environmental indicators and environmental quality objectives

- (1) The environmental indicators of this policy are set out in Schedule 1.
- (2) The environmental quality objectives of this policy are set out in Schedule 2.
- (3) For each environmental indicator mentioned in Schedule 2, the environmental quality objective for an averaging period mentioned in the Schedule is the concentration in column 4.

10. Monitoring and Reporting Protocol

- (1) The processes set out in clauses 11 to 19 shall be used for measuring and reporting the concentration of environmental indicators in the air to determine:
 - (a) whether the environmental quality objectives of this policy are being met; or
 - (b) the extent of the difference between the measured concentration of pollutants in the air and the environmental quality objectives.
- (2) The Authority must establish monitoring procedures, and commence assessment and reporting in accordance with clauses 11 to 19 within 3 years after commencement of the national ambient air quality measure.

11. Monitoring plan

- (1) The Authority must prepare a draft monitoring plan consistent with this Part setting out how it proposes to monitor air quality for the purposes of this policy.
- (2) The draft monitoring plan required by sub-clause (1) must be submitted to the Victorian member of Council.
- (3) A final monitoring plan must be submitted to Council by the Victorian member of Council by 30 June 2000.

12. Methods of measuring and assessing concentration of environmental indicators

For the purpose of evaluating performance against the environmental quality objectives the concentration of environmental indicators in the air:

- (a) is to be measured at performance monitoring stations; or
Note: Because the concentrations of different environmental indicators vary across a region, it would not be necessary or appropriate to co-locate the measuring instrumentation for all environmental indicators at each performance monitoring station.
- (b) is to be assessed by other means that provide information equivalent to measurements which would otherwise occur at a performance monitoring station.
Note: These methods could include, for example, the use of emission inventories, windfield and dispersion modelling, and comparisons with other regions.

13. Accreditation of performance monitoring

The operator of a performance monitoring station must be accredited by the National Association of Testing Authorities.

14. Location of performance monitoring stations

- (1) To the extent practicable, performance monitoring stations should be sited in accordance with the requirements for Australian Standard AS2922-1987 (Ambient Air-Guide for Siting of Sampling Units). Any variations from AS2922-1987 must be notified to Council for use in assessing reports.
- (2) Performance monitoring station(s) must be located in a manner such that they contribute to obtaining a representative measure of the air quality likely to be experienced by the general population in the region or sub-region.
- (3) A performance monitoring station should be operated in the same location for at least 5 years unless the integrity of the measurements is affected by unforeseen circumstances.

15. Number of performance monitoring stations

- (1) Subject to sub-clauses (2) and (3) below, the number of performance monitoring stations for a region with a population of 25,000 people or more must be the next whole number above the number calculated in accordance with the formula:

$$1.5P + 0.5$$

where **P** is the population of the region (in millions).

- (2) Additional performance monitoring stations may be needed where pollutant levels are influenced by local characteristics such as topography, weather or emission sources.
- (3) Fewer performance monitoring stations may be needed where it can be demonstrated that pollutant levels are reasonably expected to be consistently lower than the environmental quality objectives mentioned in this policy.

16. Trend stations

- (1) A number of performance monitoring stations within the State of Victoria must be nominated as trend stations.
- (2) The number of performance monitoring stations to be nominated as trend stations must be sufficient to monitor and assess long term changes in ambient air quality in different parts of the State of Victoria.
- (3) A trend station must be operated in the same location for one or more decades.

17. Monitoring methods

- (1) Subject to subclauses (2) and (3) the Australian Standard Methods set out in Schedule 3 should be used for monitoring environmental indicators in the air.
- (2) Where an Australian Standard Method has not yet been developed for a monitoring method, appropriate internationally recognised methods or standards may be used that provide equivalent information for assessment purposes.
- (3) Other monitoring methods may be used if:
 - (a) calibration and validation studies show:
 - (i) the accuracy and precision of the other method; and
 - (ii) the method can be compared with the relevant Australian Standard Method; and
 - (b) the equipment used is calibrated to the standard required by the equipment manufacturer; and
 - (c) the equipment provides equivalent information for assessment purposes.

18. Evaluation of performance against environmental quality objectives and goal

- (1) The Authority must evaluate the annual performance of the State of Victoria as set out in this clause.
- (2) For each performance monitoring station in the State of Victoria or assessment in accordance with subclause 12(b) there must be:
 - (a) a determination of the exposed population in the region or sub-region represented by the station; and
 - (b) an evaluation of performance against the environmental quality objectives and goal of this policy as:
 - (i) meeting; or
 - (ii) not meeting; or
 - (iii) not demonstrated.
- (3) The Authority may provide an evaluation of a region as a whole against the environmental quality objectives using appropriate methodologies that provide equivalent information for assessment purposes.
- (4) Performance must be evaluated as "not demonstrated" if there has been no monitoring or no assessment by an approved alternative method as provided in clause 12.

19. Reporting

- (1) The Authority must ensure that a report on Victoria's compliance with this policy is prepared in an approved form and the Victorian member of Council must submit it to Council by the 30 June next following each reporting year.

- (2) In this clause "reporting year" means a year ending on 31 December.
- (3) The report must include:
- the evaluations and assessments mentioned in clause 18; and
 - an analysis of the extent to which the environmental quality objectives of this policy are, or are not, met in the State of Victoria; and
 - a statement of the progress made towards achieving the goal.
- (4) The report is not required to include information regarding those ambient air quality objectives contained in Schedule 2 which are not included in the national ambient air quality measure.
- (4) The description of the circumstances which led to exceedences, including the influence of natural events and fire management, must be reported to the extent that such information can be determined.
- (5) A report for a pollutant must include the percentage of data available in the reporting period.

SCHEDULE 1 - ENVIRONMENTAL INDICATORS

- Carbon monoxide
- Sulfur dioxide
- Nitrogen dioxide
- Lead
- Photochemical oxidants (as ozone)
- Particles as PM₁₀
- Visibility reducing particles

SCHEDULE 2 - ENVIRONMENTAL QUALITY OBJECTIVES AND GOAL

Column 1 Item	Column 2 Environmental Indicator (Pollutant)	Column 3 Averaging period	Column 4 Environmental quality objectives	Column 5 Goal within 10 years maximum allowable exceedences
1	Carbon monoxide (maximum concentration)	8 hours	9.0 ppm	1 day a year
2	Nitrogen dioxide (maximum concentration)	1 hour 1 year	0.12 ppm 0.03 ppm	1 day a year none
3	Photochemical oxidants (as ozone) (maximum concentration)	1 hour 4 hours 8 hours 8 hours	0.10 ppm 0.08 ppm 0.05 ppm 0.08 ppm	1 day a year 1 day a year 3 days a year none
4	Sulfur dioxide (maximum concentration)	1 hour 1 day 1 year	0.20 ppm 0.08 ppm 0.02 ppm	1 day a year 1 day a year none
5	Lead (maximum concentration)	1 year	0.50 µg/m ³	none
6	Particles as PM ₁₀ (maximum concentration)	1 day	50 µg/m ³	5 days a year
7	Visibility reducing particles (minimum visual distance)	1 hour	20 km	3 days a year

For the purposes of this policy the following definitions shall apply:

- (1): Lead sampling must be carried out for a period of 24 hours at least every sixth day.
- (2): Measurement of lead must be carried out on Total Suspended Particles (TSP) or its equivalent.
- (3): In Column 3, the averaging periods are defined as follows:
 - 1 hour clock hour average
 - 4 hour rolling 4 hour average based on 1 hour averages
 - 8 hour rolling 8 hour average based on 1 hour averages
 - 1 day calendar day average
 - 1 year calendar year average
- (4): In Column 5, the time periods are defined as follows:
 - day calendar day during which the associated standard is exceeded
 - year calendar year.
- (5): All averaging periods of 8 hours or less must be referenced by the end time of the averaging period. This determines the calendar day to which the averaging periods are assigned.
- (6): For the purposes of calculating and reporting 4 and 8 hour averages, the first rolling average in a calendar day ends at 1.00 am, and includes hours from the previous calendar day.
- (7): The concentrations in Column 4, are the arithmetic mean concentrations.
- (8): Compliance with the objective for visibility reducing particles is to be determined by the light-scattering properties of the air environment at relative humidities of less than 70 per cent. Since the concentration of visibility reducing particles is inversely related to visibility, the maximum concentration corresponds to the minimum visibility.

SCHEDULE 3 - AUSTRALIAN STANDARDS METHODS FOR ENVIRONMENTAL INDICATOR MONITORING

Environmental indicator	Method title	Method number
Carbon monoxide	Determination of Carbon Monoxide-Direct Reading Instrumental Method	AS3580.7.1-1992
Nitrogen dioxide	Determination of Oxides of Nitrogen-Chemiluminescence Method	AS3580.5.1-1993
Photochemical oxidants (as ozone)	Determination of Ozone-Direct Reading Instrumental Method	AS3580.6.1-1990
Sulfur dioxide	Determination of Sulfur Dioxide-Direct Reading Instrumental Method	AS3580.4.1-1990
Lead	Determination of Particulate Lead-High Volume Sampler Gravimetric Collection-Flame Atomic Absorption Spectrometric Method	AS2800-1985
	Determination of Total Suspended Particulates (TSP) - High Volume Sampler Gravimetric Method	AS2724.3-1984

Particles as PM ₁₀	Determination of Suspended Particulate Matter-PM ₁₀ High Volume Sampler with Size Selective Inlet-Gravimetric Method	AS3580.9.6-1990
	Determination of Suspended Particulate Matter- PM ₁₀ Dichotomous Sampler-Gravimetric Method	AS3580.9.7-1990

EXPLANATORY NOTES

Background to the State environment protection policy (Ambient Air Quality)

State environment protection policies are declared by the Governor in Council under sections 16 and 17A of the **Environment Protection Act 1970**. The State environment protection policy (Ambient Air Quality) is a new policy which reflects the National Environment Protection Measure for Ambient Air Quality within Victoria.

The National Environment Protection Measure for Ambient Air Quality was made by the National Environment Protection Council in June 1998. The Measure introduced national ambient air quality standards for six key pollutants, and established consistent systems for monitoring and reporting of air quality throughout the nation.

The State environment protection policy (Ambient Air Quality) adopts the requirements of that Measure, and also incorporates two other ambient air quality objectives which were already in force in Victoria within the existing State environment protection policy (The Air Environment) (this policy is being concurrently renamed as 'State environment protection policy (Air Quality Management)').

State environment protection policy (Ambient Air Quality) will operate in conjunction with the State environment protection policy (Air Quality Management). The two policies should be read together.

State environment protection policy (Ambient Air Quality) in detail

Preamble

The policy is preceded by the necessary legal preamble for an Order in Council. The purpose of the Order is to declare the State environment protection policy (Ambient Air Quality).

Title

Clause 1 states that the title of the new policy is the 'State environment protection policy (Ambient Air Quality)'.

Purposes

The purposes of the policy are to adopt the requirements of the National Environment Protection Measure for Ambient Air Quality and to incorporate relevant components from the State environment protection policy (The Air Environment) (renamed as 'Air Quality Management').

Commencement

Clause 3 states when the policy will come into effect

Contents of policy

Clause 4 provides a table of contents for the policy

PART I - PRELIMINARY

Definitions

Clause 5 provides specific definitions of various words and terms used throughout the policy. The purpose of these definitions is not to provide a glossary of technical terms but simply to give a specific meaning to a phrase which may be slightly limited or otherwise different to the meaning currently accepted in every-day language.

Goal

Outlines that the policy aims to protect the identified beneficial uses, and that the policy goal is to achieve the ambient air quality objectives within ten years.

PART II - BOUNDARIES OF THE AREA AFFECTED***Policy area***

Clause 7 states that the policy applies throughout the State of Victoria.

PART III - BENEFICIAL USES***Beneficial uses***

Clause 8 sets out the following beneficial uses of the ambient air environment to be protected throughout Victoria: human health and well-being, life, health and well-being of other forms of life including animals and vegetation, visibility, useful life and aesthetic appearance of buildings, structures, property and materials, and aesthetic enjoyment and local amenity. These beneficial uses are identical to those protected in the State environment protection policy (Air Quality Management).

PART IV - ENVIRONMENTAL INDICATORS AND ENVIRONMENTAL QUALITY OBJECTIVES***Environmental indicators and environmental quality objectives***

Clause 9 notes that the environmental indicators and environmental quality objectives are set out in Schedules 1 and 2, respectively.

Monitoring and reporting protocol

Clauses 10 to 19 set out a protocol for the monitoring and reporting of ambient air quality. These clauses include requirements that:

- the Authority must submit a draft plan for monitoring of air quality to the Minister for Conservation and Land Management for consideration. The Minister must submit a final plan to the National Environment Protection Council by 30 June 2000.
- evaluation of ambient air quality is to be measured at performance monitoring stations, or by another method that will provide equivalent information.
- the operator of any performance monitoring station must be accredited by the National Association of Testing Authorities.
- the siting of performance monitoring stations must comply with requirements set out in the policy.
- a range of considerations should be taken into account in determining the number of performance monitoring stations within a region.
- a number of stations must be nominated as trend stations.
- standard monitoring methods should be adopted, with the Australian Standards set out in Schedule 3 being the preferred methods.
- the Authority must evaluate Victoria's ambient air quality as set out in the policy, including a determination of the exposed population in each region and whether air quality in a region meets or does not meet the ambient air quality objectives
- a report on Victoria's compliance with this policy must be prepared and submitted to the National Environment Protection Council each year, this report is not required to provide information on those objectives which are not included in the national ambient air quality measure, but have been transferred to this SEPP from the existing State environment protection policy (The Air Environment) (renamed as 'Air Quality Management').

Schedule 1 - Environmental indicators

Schedule 1 sets out the range of indicators of ambient air quality used within this policy.

Schedule 2 - Environmental quality objectives and goal

Schedule 2 sets out the environmental quality objectives for each environmental indicator, and indicates the goal that the allowable number of exceedences for those objectives will be met within ten years.

Schedule 3 - Australian standards methods for environmental indicator monitoring

Schedule 3 sets out the current Australian Standards Methods for monitoring of ambient air quality for the relevant environmental indicators.

Environment Protection Act 1970

VARIATION OF STATE ENVIRONMENT PROTECTION POLICY (THE AIR ENVIRONMENT)

The Governor in Council, under sections 16(2) and 17A of the **Environment Protection Act 1970**, and on the recommendation of the Environment Protection Authority, declares the following variation to State environment protection policy (The Air Environment) to be observed throughout Victoria.

Dated 9 February 1999.

Responsible Minister:
MARIE TEHAN
Minister for Conservation and Land Management

MATTHEW GROVES
Acting Clerk of the Executive Council

1. Contents

This Order is divided into parts as follows-

1. Contents

PART I - PRELIMINARY

2. Purpose
3. Commencement

PART II - VARIATION OF STATE ENVIRONMENT PROTECTION POLICY (THE AIR ENVIRONMENT)

4. Variation of State environment protection policy (The Air Environment)
5. New Title: State environment protection policy (Air Quality Management)
6. Insertion of purposes clause for State environment protection policy (The Air Environment)
7. Amended definition of Class 1 indicator
8. Variation of clause 9 of State environment protection policy (The Air Environment)
9. Variation of clause 10 of State environment protection policy (The Air Environment)
10. Deletion of clause 11 of State environment protection policy (The Air Environment)
11. Variation of clause 31A of State environment protection policy (The Air Environment)
12. Deletion of Schedule B of State environment protection policy (The Air Environment)
13. Addition to Schedule C of State environment protection policy (The Air Environment)
14. Amendment of Schedule E of State environment protection policy (The Air Environment)

PART I - PRELIMINARY

2. Purpose

The purpose of this Order is to vary the State environment protection policy (The Air Environment) to remove any duplication the State environment protection policy (Ambient Air Quality) or any inconsistency with the requirements of the national Ambient Air Quality Measure as implemented in Victoria by the State environment protection policy (Ambient Air Quality).

3. Commencement

This Order will come into operation upon publication in the Government Gazette.

PART II - VARIATION OF STATE ENVIRONMENT PROTECTION POLICY (THE AIR ENVIRONMENT)

4. Variation of State environment protection policy (The Air Environment)

The State environment protection policy (The Air Environment) is amended as set out in the following clauses.

5. New title: State environment protection policy (Air Quality Management)

- (1) In the title above clause 1 of State environment protection policy (The Air Environment), for "THE AIR ENVIRONMENT", **substitute** "AIR QUALITY MANAGEMENT".
- (2) In Clause 1 of State environment protection policy (The Air Environment), for "The Air Environment", **substitute** "Air Quality Management".

6. Insertion of purposes clause for State environment protection policy (The Air Environment)

After Clause 3 of State environment protection policy (The Air Environment), **insert**:

"Clause 3A Purposes

This policy sets out measures for the management of air quality throughout Victoria which will assist in achieving the goal of State environment protection policy (Ambient Air Quality)."

7. Amended definition of Class 1 indicator

In Clause 4 of State environment protection policy (The Air Environment), for:

" "Class 1 indicator" means a substance which is widespread in the urban air environment, and which is used as an indicator of general air quality."

substitute:

" "Class 1 indicator" means a substance which is widespread in the urban air environment."

8. Variation of clause 9 of State environment protection policy (The Air Environment)

- (1) In sub-clause 9(1)(a), of State environment protection policy (The Air Environment):
 - (a) **omit** "Class 1 indicators, prescribed by Schedule B;"; and
 - (b) **substitute** "Class 1 indicators;".
- (2) **Omit** sub-clause 9(2) of State environment protection policy (The Air Environment)
- (3) In sub-clause 9(4) of State environment protection policy (The Air Environment):
 - (a) **omit** "The design ground level concentration for Class 1, 2 and 3 indicators are prescribed by Schedules B, C and D respectively, except as prescribed by Schedule F.", and
 - (b) **substitute** "The design ground level concentration for Class 1, 2 and 3 indicators are prescribed by Schedules C and D respectively, except as prescribed by Schedule F."

9. Variation of clause 10 of State environment protection policy (The Air Environment)

- (1) **Omit** sub-clause 10(a) of State environment protection policy (The Air Environment).
- (2) **Omit** sub-clause 10(b) of State environment protection policy (The Air Environment).

10. Deletion of clause 11 of State environment protection policy (The Air Environment)

Omit clause 11 of State environment protection policy (The Air Environment).

11. Variation of clause 31A of State environment protection policy (The Air Environment)

In sub-clause 31A(d) of State environment protection policy (The Air Environment):

- (1) **omit** "that the discharge or emission does not cause the maximum ground level concentrations prescribed in schedules B, C and D to be exceeded and does not adversely affect any beneficial use of the environment.", and
- (2) **substitute** "that the discharge or emission does not cause the maximum ground level concentrations prescribed in schedules C and D to be exceeded and does not adversely affect any beneficial use of the environment."

12. Deletion of Schedule B of State environment protection policy (The Air Environment)

Omit Schedule B of the State environment protection policy (The Air Environment).

13. Addition to Schedule C of State environment protection policy (The Air Environment)

Before:

"C-1 CLASS 2 INDICATORS AND DESIGN GROUND LEVEL CONCENTRATIONS"

insert:

"SCHEDULE C**C-1A DESIGN GROUND LEVEL CONCENTRATIONS FOR CLASS 1 INDICATORS**

This section prescribes the design ground level concentrations for Class 1 indicators referred to in Part IV of the Policy.

Indicator	Design one-hour ground level concentration in ppm ^a
Carbon monoxide	30
Nitrogen dioxide	0.15
Sulphur dioxide	0.17

^a 'ppm' means parts per million (volume/volume).

”

14. Amendment of Schedule E of State environment protection policy (The Air Environment)

In Schedule E, after "CLASS 1 INDICATORS: ":

- (1) **omit** "The design one-hour ground level concentration for carbon monoxide (CO), nitrogen dioxide (NO₂), and sulphur dioxide (SO₂) shall be the acceptable levels given in Schedule B for a one hour averaging period", and
- (2) **substitute** "The design one-hour ground level concentration for carbon monoxide (CO), nitrogen dioxide (NO₂), and sulphur dioxide (SO₂) shall be the levels set out in table C-1A of Schedule C for a one hour averaging period"

EXPLANATORY NOTES**Background State environment protection policy (The Air Environment) variation**

State environment protection policies are declared by the Governor in Council under sections 16 and 17A of the **Environment Protection Act 1970**. The State environment protection policy (The Air Environment) was made in 1981 and established a framework of ambient environmental quality objectives and management measures to achieve those objectives.

The National Environment Protection Measure for Ambient Air Quality was made by the National Environment Protection Council in June 1998. The Measure introduced national ambient air quality standards for six key pollutants, and established consistent systems for monitoring and reporting of air quality throughout the nation. The national Ambient Air Quality Measure largely replaces the ambient air quality objectives of State environment protection policy (The Air Environment).

A new State environment protection policy (Ambient Air Quality) has now been made which adopts the requirements of that Measure, and also incorporates two other ambient air quality

objectives which were already in force in Victoria within the State environment protection policy (The Air Environment). The new State environment protection policy (Ambient Air Quality) therefore incorporates all Victorian ambient air quality objectives into a single policy.

The purpose of this Order is to make the necessary amendments to the existing State environment protection policy (The Air Environment) to allow for the making of the new State environment protection policy (Ambient Air Quality).

The Order also renames the State environment protection policy (The Air Environment) as the 'State environment protection policy (Air Quality Management)' to reflect the fact that ambient air quality objectives have now been removed from the policy and its focus is on management of air quality to achieve the objectives set out in the new State environment protection policy (Ambient Air Quality).

Variation of State environment protection policy (The Air Environment) in detail

Preamble

The Order is preceded by the necessary legal preamble for an Order in Council.

Contents

Clause 1 sets out the contents of the Order in Council.

PART I - PRELIMINARY

Purpose

The purpose of the Order is to vary the State environment protection policy (The Air Environment) to make the necessary adjustments to the policy following the making of the new State environment protection policy (Ambient Air Quality).

Commencement

Clause 3 states that the Order commences upon publication in the Government Gazette.

PART II - VARIATION OF STATE ENVIRONMENT PROTECTION POLICY (THE AIR ENVIRONMENT)

Variation of State environment protection policy (The Air Environment)

Clause 4 simply notes that the clauses which follow amend the State environment protection policy (The Air Environment).

New title: State environment protection policy (Air Quality Management)

Clause 5 changes the title of the State environment protection policy (The Air Environment) to State environment protection policy (Air Quality Management).

Insertion of purposes clause for State environment protection policy (The Air Environment)

Clause 6 inserts a new purposes clause into the State environment protection policy (The Air Environment) which outlines the key purpose of the policy to set out a management framework to achieve the ambient air quality objectives contained in State environment protection policy (Ambient Air Quality).

Amended definition of Class 1 indicator

Clause 7 introduces a minor amendment to the definition of the term 'class 1 indicator' in order to reflect the fact that the term 'class 1 indicator' no longer relates to ambient air quality measures for the purposes of this policy.

Variation of clause 9 of State environment protection policy (The Air Environment)

Clause 9 removes components of clause 10 of the policy which referred to ambient air quality objectives which have been adopted in the new State environment protection policy (Ambient Air Quality).

Deletion of clause 11 of State environment protection policy (The Air Environment)

Clause 10 removes clause 11 of the policy which referred to ambient air quality objectives which have been adopted in the new State environment protection policy (Ambient Air Quality).

Variation of clause 31A of State environment protection policy (The Air Environment)

Clause 11 amends clause 31A of the policy to take account of the different way in which ground level concentration objectives have been included in the policy following all ambient air quality objectives being moved to the new State environment protection policy (Ambient Air Quality) (see clauses 13 and 14 of this Order).

Deletion of Schedule B of State environment protection policy (The Air Environment)

Clause 12 deletes Schedule B which set out the ambient air quality objectives to be observed throughout Victoria. This has been replaced with new objectives adopted in the State environment protection policy (Ambient Air Quality).

Addition to Schedule C of State environment protection policy (The Air Environment)

Clause 13 inserts a new table into to Schedule C of State environment protection policy (The Air Environment). This table explicitly lists the design ground level concentrations for class 1 indicators. These design ground level concentrations were originally referred to Schedule B, which has now been deleted. This change ensures that there is no change in the ground level concentration objectives to be applied to point sources of emissions as a result of the adoption of the new ambient air quality objectives contained within the National Environment Protection Measure for Ambient Air Quality.

Amendment of Schedule E of State environment protection policy (The Air Environment)

Clause 14 amends Schedule E of the policy which stated that the design ground level concentrations to be observed for class 1 indicators were the acceptable objectives contained in Schedule B to the policy. Schedule E will now refer to a new table within Schedule C (see clause 13 of this Order) of the State environment protection policy (The Air Environment).

Crown Land (Reserves) Act 1978

REVOCATION OF TEMPORARY RESERVATIONS

The Governor in Council under Section 10 of the **Crown Land (Reserves) Act 1978** revokes the following temporary reservations to the extent indicated hereunder:

KEELBUNDORA - The temporary reservation by Order in Council of 16 January, 1996 of a total area of 7.142 hectares of land being Crown Allotments 10P1, 10T3, 15H, 15J and 15K, Parish of Keelbundora as a site for Public Recreation, so far only as the portion containing 2963 square metres shown as Crown Allotment 15F2, Parish of Keelbundora on Certified Plan No. 118783 lodged in the Central Plan Office. (Rs 9113)

KEELBUNDORA - The temporary reservation by Order in Council of 1 April, 1980 of an area of 35.75 hectares of land being Crown Allotment 10N, Parish of Keelbundora as a site for Public Recreation, revoked as to part by Order in Council of 5 September, 1995 so far only as the portion containing 2427 square metres shown as Crown Allotment 15F1, Parish of Keelbundora on Certified Plan No. 118783 lodged in the Central Plan Office. (Rs 9113)

This Order is effective from the date on which it is published in the Victoria Government Gazette

Dated: 9 February 1999.

Responsible Minister
MARIE TEHAN
Minister for Conservation
and Land Management

MATTHEW GROVES
Acting Clerk of the Executive Council

ELIZABETH THE SECOND BY THE
GRACE OF GOD
QUEEN OF AUSTRALIA AND HER OTHER
REALMS AND TERRITORIES,
QUEEN, HEAD OF THE
COMMONWEALTH

To: The Honourable Sir Daryl Michael
Dawson, AC, KBE, CB
Brian Brooks BE, FIEAust, FAIP, FAIE,
FIE

GREETINGS:

WHEREAS:

- A. By Letters Patent issued in Our Name by the Governor of the State of Victoria in the Commonwealth of Australia, by and with the advice of the Executive Council and acting pursuant to s. 88B of the **Constitution Act 1975** on 20 October 1998 and which were recorded in the Register of Patents Book No. 41 page no. 166 on that day, you were appointed and constituted to be our commissioners to inquire into and report upon the matters referred to in the said Letters Patent.
- B. By the said Letters Patent we directed you to conduct your inquiry as expeditiously as possible and, not later than 15 February 1999 or such later date as WE may be pleased to fix, to furnish US a report of the results of your inquiry and of your recommendations.

NOW THEREFORE the Governor of the State of Victoria, in the Commonwealth of Australia by and with the advice of the Executive Council and acting pursuant to s. 88B of the **Constitution Act 1975** and the power reserved in the said Letters Patent, hereby fix 30 June 1999 as the date upon which you are directed to furnish US a report of the results of your inquiry and of your recommendations.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Seal of our State to be hereunder affixed.

(L.S.) WITNESS His Excellency the Honourable Sir James Augustine Gobbo, Companion of the Order of Australia, Governor of Victoria and its dependencies in the Commonwealth of Australia at Melbourne this 9th Day of February One thousand nine hundred and ninety nine in the forty-seventh year of Our reign.

JAMES GOBBO
By His Excellency's Command
PATRICK McNAMARA
Acting Premier of Victoria

Entered on the record by me in the Register of Patents Book No 41 Page No.183 on the 9th day of February 1999

BILL SCALES
Secretary, Department of Premier and Cabinet

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Subscriptions are payable in advance and accepted for a period of one year. All subscriptions are on a firm basis and refunds will not be given.

All payments should be made payable to

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Subscription enquiries:

The Craftsman Press Pty. Ltd.

125 Highbury Road, Burwood Vic 3125

Telephone: (03) 9926 1233

Fax: (03) 9926 1292

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ISSN 0819-5471

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1 Macarthur Street

Melbourne 3002 Victoria Australia

Subscriptions

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125 Highbury Road, Burwood

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Price Code A