



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF DECISION

Environment Protection Act 2017

As Minister responsible for the **Environment Protection Act 2017**, I give notice under section 12J of the **Subordinate Legislation Act 1994** that further to public consultation on an impact assessment prepared under section 95 of the **Environment Protection Act 2017** (as amended by the **Environment Protection Amendment Act 2018**), I have decided to recommend that the proposed Environment Reference Standard be made.

Public comment and submissions on the impact assessment were invited. More than 300 submissions were received and have been considered in accordance with section 12I(4) of the **Subordinate Legislation Act 1994**.

After consideration of the submissions, I have decided to recommend the making of the proposed Environment Reference Standard, with amendments to the draft that was released for public comment. Key amendments to the proposed Environment Reference Standard following public consultation include the following:

- Specific recognition of Traditional Owners has been added to the preamble to acknowledge that all places in Victoria exist on the traditional country of Aboriginal Victorians and that Aboriginal people have a unique status as the descendants of Australia's first peoples and a spiritual, social, cultural and economic relationship with their traditional land and waters within Victoria. The Victorian Government intends to undertake a consultative process with Traditional Owner groups and other stakeholders to inform potential amendments to the Environment Reference Standard relating to Traditional Owner cultural values for land;
- An environmental value 'Musical entertainment' has been added to the ambient sound part of the Environment Reference Standard in recognition of community demand for a wide range of musical entertainment;
- Qualifying text has been added to clarify that the ambient sound indicators and objectives are neither noise limits nor noise design criteria; and
- Clarification that environmental values do not apply to waters in constructed landfill cells.

More details on how submissions have been considered and responded to are set out in the Response to public comments document published on EPA's website (www.epa.vic.gov.au) and available in hard copy at the Department of Environment, Land, Water and Planning, 8 Nicholson Street, East Melbourne 3002.

After the proposed Environment Reference Standard has been made, it will be published and become available for download from www.gazette.vic.gov.au. The proposed Environment Reference Standard will come into effect on 1 July 2021.

HON. LILY D'AMBROSIO
Minister for Energy, Environment and Climate Change

SPECIAL

Subordinate Legislation Act 1994

NOTICE OF DECISION

Environment Protection Act 2017

As Minister responsible for the **Environment Protection Act 2017**, I give notice under section 12 of the **Subordinate Legislation Act 1994** (the Act) that, further to public consultation on a regulatory impact statement (RIS), I have decided to recommend the making of the Environment Protection Regulations 2021 and the Environment Protection Transitional Regulations 2021 (the proposed Regulations).

The RIS and a draft of each of the proposed Regulations were advertised for public comment. More than 300 submissions were received and have been considered in accordance with section 11(3) of the Act.

After consideration of the submissions, I have decided that the proposed Regulations should be made, with amendments to the drafts of the proposed Regulations that were released for public comment. The key amendments include:

Proposed Environment Protection Regulations 2021

- In relation to on-site wastewater management systems (including septic tanks), regulations have been added to clarify the maintenance, notification and record-keeping requirements for persons in management or control of these systems, as well as the appropriate Australian and New Zealand standards with which on-site wastewater treatment plants must comply (and these will now be set out in the proposed Regulations rather than in a determination of the Environment Protection Authority (EPA));
- In relation to waste, the declaration of use system has been simplified and the scope of potential EPA determinations broadened, both of which will make it easier for persons receiving industrial waste to be authorised to do so;
- In relation to the transport of reportable priority waste, to align with requirements under the **Dangerous Goods Act 1985** and other jurisdictions, the regulations now require a driver to undertake dangerous goods training, introduce load restraints and require on-board documentation that provides information to emergency services in the event of an accident;
- In relation to noise from entertainment venues and outdoor entertainment events, the final regulations now apply the noise limits for the new noise sensitive areas of childcare centres, kindergartens, primary and secondary schools only during their normal hours of operation; and
- In relation to the discharge or deposit of waste from vessels, the offence has been amended to address the use of wash down water and cooling water.
- In relation to the containment of lower-level contaminated soils, the definition of ‘project site’ has been amended to better enable these soils to be contained on land relating to public works (including projects extending beyond a single parcel of land) subject to the proponent holding the relevant permission.

Proposed Environment Protection Transitional Regulations 2021

- Classifications made under the *Environment Protection (Industrial Waste Resource) Regulations 2009* that are in force on 30 June 2021 will be ‘saved’, and taken to be a designation, until 30 June 2023, rather than until 30 June 2022.

In addition to the above, technical and minor amendments have been made to the proposed Regulations to ensure they are clear as to intent and do not cause confusion.

More details on how submissions have been considered and responded to are set out in the Response to public comments document published on EPA’s website (www.epa.vic.gov.au) and available in hard copy at the Department of Environment, Land, Water and Planning, 8 Nicholson Street, East Melbourne 3002.

After the proposed Regulations are made, they will become available for download from www.legislation.vic.gov.au. The proposed Regulations will come into operation on 1 July 2021.

HON. LILY D’AMBROSIO
Minister for Energy, Environment and Climate Change

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