



**Guide to the proposed
Environment Reference
Standard**

September 2019

Guide to the proposed Environment Reference Standard

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Disclaimer

The information in this publication is for general guidance only. It does not constitute legal or other professional advice and should not be relied on as a statement of the law. As it is intended only as a general guide, it may contain generalisations. You should obtain professional advice for your specific circumstances.



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About this guide

The purpose of this guide is to:

- assist stakeholders to navigate the proposed Environment Reference Standard (ERS) and the associated Impact Assessment
- support the provision of feedback during the public comment period.

This guide contains brief descriptions of each part of the proposed ERS and will help you identify the areas that are relevant to you.

The proposed ERS consists of five parts. These are: preliminary, air, noise, land and water. More information about the contents of each part is given below.

Comments provided on the proposed ERS will be taken into account and will help to inform the final form of the ERS. The ERS is planned to be finalised by early 2020 ahead of its anticipated commencement, under the *Environment Protection Act 2017*, as amended by the *Environment Protection Amendment Act 2018*, from 1 July 2020.

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Background

The *Environment Protection Act 2017*, as amended by the *Environment Protection Amendment Act 2018* (the new EP legislation), introduced the concept of an Environment Reference Standard (ERS). This is a new type of subordinate instrument.

The purpose of an ERS is to set out the environmental values that are sought to be achieved or maintained in Victoria. Environmental values are the uses, attributes and functions of the environment that Victorians value. Standards for the environmental values are made of objectives for supporting different uses of the environment and indicators that can be measured to determine whether those objectives are being met.

The indicators and objectives provide a basis for assessing and reporting on environmental conditions in Victoria. 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.

An ERS is a reference standard and is not a mandatory compliance requirement. However, decision-makers will be required to take the ERS into account when making certain decisions. For example, when Environment Protection Authority Victoria (EPA) is assessing a development or operating licence application.

More information on the ERS and its uses is available in the Impact Assessment and on EPA's website at epa.vic.gov.au/about-us/response-to-epa-inquiry/understanding-environment-reference-standards

An ERS is being developed to operate under the new EP legislation. This proposed ERS contains environmental values, indicators and objectives for four elements of the environment: air, noise, land and water.

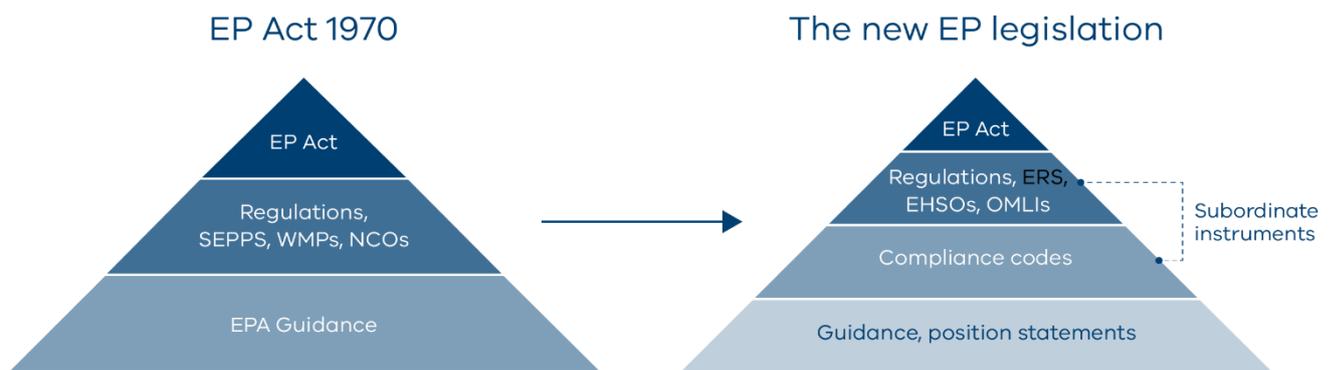


Figure 1. Changes to the environment protection framework and subordinate instruments under the new EP Legislation (see the *Overview of the subordinate instruments proposed under the new environment protection legislation* (EPA publication 1754) for more details).

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Abbreviations/acronyms

EP Act: *Environment Protection Act*

SEPPs: state environment protection policies

WMPs: waste management policies

NCOs: notifiable chemical orders

ERS: environment reference standard

EHSOs: environmentally hazardous substance orders

OMLIs: obligations on managers of land and infrastructure

Part 1 – Preliminary (Clauses 1 to 4)

Part 1 of the proposed ERS is a preliminary section that introduces the rest of the document. This section contains:

- purpose of the ERS
- proposed commencement date of the ERS
- definitions relevant to the whole document.

For more information on the purpose and objectives of the proposed ERS, refer to Chapter 3 of the Impact Assessment.

Part 2 – Air (Clauses 5 to 6)

Part 2 of the proposed ERS relates to the **ambient air environment** (the external atmosphere, not the air inside buildings and structures). It contains information on:

- proposed environmental values for the ambient air environment throughout Victoria – adopted from the State Environment Protection Policy (Ambient Air Quality) and State Environment Protection Policy (Air Quality Management), referred to as SEPP (AAQ) and SEPP (AQM) respectively. For more information on SEPP (AAQ) and how it has been adopted into the ERS, please refer to the Impact Assessment (Chapter 4).
- a table that provides indicators and objectives taken from SEPP (AAQ) and SEPP (AQM), which describes the environmental conditions necessary to achieve or maintain the environmental values:
 - the air quality indicators (pollutants)
 - the maximum allowable concentration or minimum visual distance (objectives) for each indicator in the atmosphere.

There is also a new qualitative objective for odour.

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Part 3 – Noise (Clauses 7 to 9)

Part 3 of the proposed ERS relates to **noise** (the ambient (outdoor) acoustic environment).

Information contained includes:

- the proposed environmental values for the acoustic environment – some of which have been taken from the SEPP (Control of Noise from Industry, Commerce and Trade) and SEPP (Control of Music Noise from Public Premises), referred to as SEPP (N1) and SEPP (N2) respectively. Additional environmental values are also proposed and have been developed following reviews of SEPP (N1) and SEPP (N2). For more information on SEPP (N1) and SEPP (N2) and the information that has been adapted into the ERS, please refer to the Impact Assessment (Chapter 4).
- a table of the proposed indicators and the objectives for the ambient (outdoor) acoustic environment, which differ across land use categories. The land use categories are also defined in a table of the proposed ERS.

Part 4 – Land (Clauses 10 to 12)

The proposed ERS content on **land** is in Part 4. The ERS adapts the environmental values, indicators and objectives contained within the SEPP (Prevention and Management of Contamination of Land – SEPP (PMCL)) with minor changes. For more information on SEPP (PMCL) and the information that has been adapted into the ERS, please refer to the Impact Assessment (Chapter 4).

In this Part, you can find information on:

- the five proposed environmental values that apply to the land environment, their descriptions and circumstances in which these values may not apply.
- six land use categories identified for the purposes of the ERS and the environmental values that apply to each category (Table 2).
- a table that provides the indicators and objectives to achieve or maintain the environmental values related to land.

The land use categories are consistent with, and complement, land uses defined in the Victorian Planning Provisions.

Part 5 – Water (Clauses 13 to 18)

Part 5 of the ERS is dedicated to **water**. The ERS adopts the environmental values, segments, indicators and objectives contained within SEPP (Waters) with minor changes. It is applicable to both groundwater and surface waters (including inland waters, estuaries and marine waters). For more information on SEPP (Waters) and the information that has been adopted into the ERS, please refer to the Impact Assessment (Chapter 4) Division 1 – All waters

For the purposes of defining the environmental values for water, both groundwater and surface water are divided into “segments”. The groundwater segments are defined by the background level of total dissolved solids (TDS). The surface water segments are based on geographical regions or characteristics.

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Division 1 – All waters

Division 1 contains information on:

- descriptions of the environmental values that apply to all waters (both groundwater and surface water).

Division 2 – Groundwater

This division contains the following information:

- seven segments of groundwater as defined by the background water quality level of TDS (Table 2)
- environmental values for groundwater – presented in Table 3
- circumstances in which an environmental value may not apply to an aquifer
- indicators and objectives for groundwater.

Division 3 – Surface waters

This division contains:

- definitions of types of surface waters, and the segments into which some are divided
- environmental values that apply to inland waters (Table 5) and marine and estuarine waters (Table 6).
- situations where environmental values do not apply
- indicators and the corresponding objectives for different types and segments of surface waters (Tables 7 to 18).

Next steps

EPA and the Department of Environment, Land, Water and Planning (DELWP) have now released the following documents for public comment:

- proposed Environment Protection Regulations, proposed Environment Protection Transitional Regulations and a related Regulatory Impact Statement (RIS)
- proposed ERS and a related Impact Assessment.

These documents and the information on methods to provide comments can be accessed through Engage Victoria: engage.vic.gov.au. We invite you to read these documents and provide your comments on the content by **31 October 2019**.

Please contact EPA on 1300 372 842 (1300 EPA VIC) or email sublegreform@epa.vic.gov.au if you require more information.