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EPA Vic
GPO Box 4395
Melbourne 3001

Via online Engage Victoria submission portal available [here](#).

EPA Development Licence Application Guidance

Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to provide feedback to EPA Victoria on the draft *Development Licence Application Guidance* material.

CCAA is the voice of the heavy construction materials industry in Australia. Our members operate cement manufacturing and distribution facilities, concrete batching plants, and hard-rock, sand and gravel extraction operations across the nation. Collectively, CCAA members produce the majority of Australia's cement, concrete and aggregates, and include organisations ranging from large global companies to SMEs and family-owned businesses.

Representing an industry that generates \$15 billion in annual revenue and supports the employment of approximately 110,000 Australians, CAA supports effective and efficient regulation and constructive stakeholder engagement to ensure a sustainable industry.

General Comments

- Both documents are substantially more detailed and structured than the previous guide. There has been a strong improvement in transparency, clarity of expectations, and alignment with the risk-based framework under the *Environment Protection Act*. However, the length, complexity, cross-referencing requirements and repeated emphasis on technical justification may be appropriate for higher-risk operations, but simpler and more streamlined guidance is required for lower-risk sites.
- There is significant potential for **regulatory duplication** in the *B3 Socioeconomic and Traditional Owner cultural setting* section. Impacts on cultural heritage are currently addressed through the planning application process and associated concurrent referrals. It is unclear what additional or specialised engagement is envisaged through the development licence process, how this information will be managed, or how it would be reflected in licence conditions.

CCAA **recommends** that any licence conditions or application requirements in this area be consistent with existing planning processes and documentation.

- **Overlap:** Several topics, including risk assessment, engagement, Best Available Techniques or Technologies (BATT), and General Environmental Duties (GED), are addressed across both documents, but not always using consistent language. Greater alignment and consistency in wording would improve clarity and usability.

Guide to Development Licences

What works well

- Clear articulation of EPA expectations, including processes, timeframes, referral pathways, engagement requirements and assessment logic.
- Strong emphasis on early engagement and pre-application advice.
- Logical document structure, with a clear progression from concept through to application, assessment, decision and implementation.
- Useful detail on roles, responsibilities and statutory obligations.

Opportunities for Improvement

- **Reduce duplication and improve navigation:** Key concepts (GED, BATT, community engagement expectations and the Request for Information process) appear in both documents, sometimes with varying levels of detail.
- **Provide practical examples:** The guide emphasises application quality but would benefit from real examples of complete applications, common errors and how to correct them, and scenarios illustrating high- and low-risk assessments.
- **Clarify community engagement requirements:** More detail is needed on minimum standards and how engagement should be scaled for small or low-risk proposals. A short matrix or tiered framework would be valuable. EPA's acceptance of community engagement plans developed under the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA), the *Extractive Industries Regulations 2019*, and relevant guidelines as satisfying EPA pre-application engagement requirements should be clearly stated.
- **Provide flowcharts for joint processes:** For example, joint advertising with planning authorities or joint exhibition with an Environment Effects Statement (EES).
- **Expand on common reasons for rejection:** Providing examples would assist applicants to avoid common pitfalls.
- **Clarify triggers for a Conference of Interested Persons:** This should be based on matters of significance rather than solely the number of submissions received.

Development licence application form and content

What works well

- Clear mandatory structure.
- Appropriate level of detail regarding technical expectations, particularly for risk assessments, process design, control justification and monitoring.
- Practical and useful appendices.
- Clear declarations and formatting requirements, which should reduce unnecessary back-and-forth during compliance checks, but should be applied with a degree of flexibility.

Opportunities for Improvement

- **Document length:** The document is very long. A “quick start” guide for low-risk sites or a tiered approach distinguishing low- and high-risk requirements would improve clarity.
- **Cross-referencing:** Many references to “Part X”, “Table Y” or other guidance lack hyperlinks or page numbers. Improved linkage would significantly enhance usability.
- **Accessibility:** The document assumes a high level of prior knowledge. Incorporating more plain-English explanations would improve accessibility.
- **Part D – Other Approvals:** Guidance should be strengthened through a decision tree outlining when permits are required, typical sequencing between EPA and other regulators, and clear triggers for mandatory referrals.
- **Community engagement reporting:** Clearer templates should be provided, with explicit reference to MRSDA guidelines and templates.
- **Tone and flexibility:** The language throughout the document adopts a hard-line approach to requirements. While clarity is important, guidelines within a regulatory framework should provide some flexibility. Overly rigid wording may create unintended barriers to lodgement for minor or immaterial issues. Members have previously experienced delays or inability to lodge applications due to minor omissions or typographical errors. While matters such as page numbering are important, discretion should be exercised to focus on issues of material significance.

It is important that the EPA strike the right balance between establishing clear benchmarks and avoiding unnecessary barriers for applicants.

- **B3 Socioeconomic and Traditional Owner cultural setting:** As noted earlier, this section risks duplicating matters typically addressed through planning permits or other legislation. Clearer guidance is needed on EPA’s remit, how these matters are considered under the Environment Protection Act, and how duplication or inconsistency with existing regulatory frameworks will be avoided.

If the primary focus is on water access, pollution impacts, or adverse physical impacts on culturally significant sites, this should be clearly articulated. As currently drafted, the broad scope risks overlap with established processes and uncertainty for applicants.

There is also a lack of clarity regarding how this information will inform risk assessment later in the process. Applying social science concepts without a clear risk assessment framework, benchmarks or decision-making criteria risks creating additional burden without meaningful regulatory outcomes. Greater focus is required to ensure this information is used constructively and does not undermine confidence in the regulatory process.

- **B4 Physical and biological environments:** The term “natural setting” is problematic, as most sites are highly modified. The document should instead refer to the “existing setting” or “existing physical and biological setting” to avoid implying pre-development or pre-modification conditions.

To discuss this submission further, please contact Roger Buckley, State Director Vic/Tas at roger.buckley@ccaa.com.au.

Yours sincerely



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