



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

ECMDSN

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EPA Inquiry Ministerial Advisory Committee
Submission through EPA Inquiry web portal
<http://getinvolved.epa-inquiry.vic.gov.au/make-a-submission>

SUBMISSION TO EPA INQUIRY

Thank you for the opportunity to make a submission to the Environment Protection Authority (EPA) Inquiry that will help shape the future role of the EPA. Wellington Shire Council supports the Municipal Association of Victoria (MAV) submission to the Inquiry and provides further input in the following areas:

- Role of the EPA
- EPA funding
- Landfill regulatory cost burden
- Illegal dumping
- Noise and odour
- Onsite domestic wastewater
- Potentially contaminated land
- Encroachment and buffers
- Role of local government

Role of the EPA

The EPA has a crucial role in enforcing regulations to protect public health and the environment from the negative impacts of human activities. In order to do this, the EPA must be consistent, independent and reputable. Technical expertise must be maintained to support the EPA's activities, and to cost effectively support regulatory responsibilities that have been passed on to local government.

The EPA also has an important facilitation and education role to help local government and business to most cost effectively meet their environmental obligations.

We need to find a reasonable balance between benefits and impacts, and between those who profit, those who are impacted, and those who bear the costs.

Recommendations

- The EPA maintain technical expertise and facilitate discussions early in processes to support better, more cost effective environmental outcomes.
- The EPA increase its facilitation and education role to complement enforcement to achieve environmental outcomes.
- The EPA increase its regional capacity to respond to complaints and engage effectively with local government on regulatory matters.

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EPA Funding

Currently 60% of EPA's \$70 million annual operating budget comes from the landfill levy. The landfill levy is a regressive tax that places a greater cost burden on those on lower incomes as a proportion of their income. While individuals do have some control over how much waste they produce through their purchasing and recycling choices, how products are packaged and what choices are available to individuals are determined by manufacturers, distributors and retailers who also pass their costs onto the consumer. Local government is acting as a tax collector for the state, and bears the brunt of ratepayer backlash over escalating costs.

There is a case for a broader funding base for the EPA, especially if its role is expanded. The minerals and energy sectors should contribute more if EPA is to take a greater role in monitoring and regulating greenhouse gas emissions, unconventional gas exploration, and air quality.

Recommendations

- The state government should broaden the funding base for the EPA, especially if its role is expanded, with contributions from the minerals and energy sectors

Landfill regulatory cost burden

The EPA Inquiry discussion paper acknowledges the increasing challenge of waste management, the higher financial burdens for regional communities who need to transport their waste further as smaller landfills are closed, and shifting regulatory goal posts in response to changing community expectations. These all have a financial impact on our Council and ratepayers.

Similarly, there are less recycling opportunities in rural areas, and often at a higher cost. Well intentioned bans of some waste streams to landfill can have an unfair impact on rural ratepayers when resource recovery mechanisms are not commercially viable or adequately supported by state government.

In recent years, the cost of design, construction, operation and rehabilitation of landfills has escalated to meet the Best Practice Environmental Management for landfills. This process has been challenging for the EPA, councils, contractors and auditors, and costly to ratepayers. While it is necessary to have stringent requirements to protect the environment and public health now and into the future, Council asks that EPA remains open to how to minimise impacts on rural councils and what alternative measures may be available to mitigate risks.

Increased rehabilitation and aftercare of legacy landfills due to changing community expectations can be very costly and places an unfair burden on local ratepayers which should be shared by the wider community. Some of this cost burden could be more equitably shared by reinvesting more landfill levy funds into waste infrastructure and landfill rehabilitation in rural municipalities.

Recommendations

- The EPA (DELWP & SV) increase their efforts to consult with rural and regional councils and understand their constraints and operating realities when developing landfill and resource recovery policies and regulations.
- The state government should more equitably share the increased rehabilitation and aftercare of legacy landfills due to changing community expectations by reinvesting more landfill levy funds in affected rural councils.
- The EPA should take a more facilitative approach to working through application of BPEM guidelines to the design, construction, operation and rehabilitation of council owned landfills

Illegal dumping

The discussion paper acknowledges that the landfill levy has created a large incentive to divert waste from landfill into higher value uses such as re-use or recycling, however, in some cases this has led to stockpiling and illegal disposal. EPA are only responsible for littering from vehicles and large scale illegal dumping, yet it derives 60% of its revenue from the landfill levy. Local government is responsible for all other illegal dumping and littering, and receives no revenue from the levy.

Catching and prosecuting illegal dumpers is far more difficult and costly in large rural municipalities than smaller urban councils where dumping is concentrated in fewer areas. There are less opportunities for recycling in rural areas due to economies scale and cost of transport. This is exacerbated when state government withdraws recycling opportunities such as Detox Your Home which no longer has collections in Wellington Shire. Together, these place an unfair burden on rural rate payers. Either the EPA should expand its role to deal with all illegal dumping, or local government should be properly resourced from the Landfill Levy to continue this role.

Recommendations

- The EPA and Sustainability Victoria (SV) clarify their respective responsibilities for education and enforcement for illegal dumping and littering, and consider the potential dumping implications of policy changes such as increasing the Landfill Levy, bans of waste streams from landfills, and reduction in recycling programs.
- The EPA either expand its role to deal with all illegal dumping, or local government should be properly resourced from the Landfill Levy to continue this role.

Noise and Odour

Council supports the MAV submission to the Inquiry on these matters. It is of concern that the EPA has been reducing its noise related workload by directing smaller industrial/commercial noise complaints formerly dealt with by EPA to councils without consultation or consideration of impact on councils or members of the community. The community also seems unaware that EPA has responsibility for dealing with offensive odour complaints. There is also community concern over dealing with the EPA call

centre which is difficult to navigate and has no follow up, resulting in them ringing council where they can talk with a 'real' person about their complaint.

Recommendations

- The EPA consult with councils about the division of noise responsibilities, resources, and develop an accepted protocol for responding to noise complaints that can be shared with the community.
- The EPA retain their noise and odour technical expertise, and have sufficient regional capacity to follow up on complaints.

Onsite Domestic Wastewater

Council has a responsibility for regulating the construction, installation ongoing maintenance of onsite domestic wastewater systems. Up until July 2015, the EPA provided state-wide consistency by issuing Certificates of Approval for wastewater systems upon which councils relied to determine suitability. The EPA have indicated that councils will now rely on Australian Standards for approving systems, however there is no independent regulator and there is a significant failure of privately 'certified' systems to meet the Australian Standards when assessed by the EPA. This places unnecessary risk, cost and liability onto councils and ratepayers.

It is a much more effective use of public resources for EPA to maintain technical expertise in wastewater systems, and to provide guidance and technical support to councils in development of Domestic Wastewater Management Plans and regulation of onsite domestic wastewater systems. Duplication of this technical expertise and the resources needed for assessment across 79 councils is an unnecessary burden on the community when it could be efficiently provided by the EPA.

Recommendations

- The EPA maintain a regulatory regime for onsite domestic wastewater management (eg. issuing Certificates of Approval) that drives state-wide consistency.
- The EPA maintain technical expertise and provide guidance materials and training to councils to assist us to meet our legislative responsibilities
- Resources be provided to identify and address legacy domestic wastewater issues

Potentially contaminated land

Council supports the MAV submission to the Inquiry on this matter and its submission to the Ministerial Advisory Committee on Potentially Contaminated Land in 2011 indicating that the whole framework around potentially contaminated land should be reviewed. Technical expertise and access to records lies with the EPA which should take a more facilitative approach to providing mapping of legacy sites, and advising proponents and applicant about the need for further assessment. The EPA should be the referral authority for sites where expert input is required (eg. where there is an Environmental Audit Overlay). However, where a dwelling can be built without a

planning permit as of right (eg. In the General Residential Zone) an Environmental Audit may not be triggered.

Recommendations

- That the state government undertakes a comprehensive review of the potentially contaminated land legislative framework

Encroachment and buffers

Issues arise through differences in threshold distances set out in clause 52.10 of the planning scheme and buffer distances in State Environment Protection Policies and other guidance such as the *Recommended Separation Distances for Industrial Residual Air Emissions Guideline* used by the EPA for works approvals and licensed premises. The different buffers within different statutory documents create confusion especially with landowners and stakeholders. It is essential that EPA and Council are aware of and have timely input into respective processes for approvals and rezoning that impact on buffers, and that there is a willingness to defend that advice.

Recommendations

- That state government lead a process to address inconsistencies in buffer distances within statutory documents.
- The EPA provide mapping, in a format consistent with the GIS layers of councils, that shows the buffers around sites.
- The EPA consider how they can ensure they are involved in amendments that rezone land to sensitive uses where there may be buffers

Role of local government

This discussion paper repeats the mantra that local government is best placed to deal with local issues. To some extent this is true, however it should not be used as an excuse to shift responsibilities and costs from the State to councils without sufficient authority or resources to act. The proposed rates cap further erodes local government's ability to sustainably fund its multitude of responsibilities and service its ratepayers into the future. This is pertinent to the question of how environmental regulation and other statutory frameworks could more effectively prevent future environmental risks and land use conflicts.

From a community perspective, it is important to take a step back from the budgets and risks to individual organisations and consider which organisations are best placed to give best value from public funds whether they are collected from taxes, rates or levies. EPA technical expertise should be centrally maintained to efficiently support the efforts of regional EPA officers and local government to protect the environment.

Recommendations

- The EPA should not shift responsibilities, risk, need for technical expertise and cost to local government.
- The EPA maintain technical expertise and facilitate discussions early in processes to support better, more cost effective environmental outcomes.

Yours sincerely



CHRIS HASTIE
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