



## **Borough of Queenscliffe Submission to the Ministerial Advisory Committee for the Inquiry into the Environmental Protection Authority**

### **INTRODUCTION**

The borough of Queenscliffe welcomes the opportunity to provide a submission to the independent inquiry into the EPA.

The Borough of Queenscliffe is located at the eastern tip of the Bellarine Peninsula and opposite Point Nepean at Port Phillip Heads, in Victoria, Australia. It is bordered by water on three sides: Port Phillip Bay, Swan Bay and Bass Strait. The only land border is the City of Greater Geelong on its west. It is approximately 105km south-west of Melbourne and 35km east of Geelong.

The Borough of Queenscliffe is the smallest local government area in Victoria, covering just 10.83 square kilometres. 8% of the municipal area consists of foreshore reserves - the highest proportion of Crown land management of any municipality in Victoria.

There are many significant historical buildings within the Borough which contributes to its distinctive built environment. Well-preserved heritage buildings are one of the key tourism assets for the area.

Perched above the point where Port Phillip Bay meets Bass Strait, Point Lonsdale boasts both sheltered bay beaches and a dramatic and breathtaking strip of rugged ocean frontage where the Western Victorian surf coast begins. It is also adjacent to the Port Philip "Heads" through which all shipping entering Port Philip Bay must pass.

As well as being of high ecological value, the foreshore and marine environments contribute to urban and landscape character, which attracts many people to the area.

The unique nature of the municipality is appreciated by residents and visitors alike, making the ongoing protection of the local environment critical.

### **SUBMISSION FRAMEWORK**

The Borough of Queenscliffe (Council) submission is structured as responses to some of the questions posed in the discussion paper titled '*Examining the future task of Victoria's Environment Protection Authority*'.

### **Section 3 – A Changing Victoria**

**Discussion Paper Question:** *Do you think the key environmental challenges which will impact the EPA in the future have been captured? Are there any others?*

This section of the discussion paper rightly identifies that the move from smaller remote landfills in rural areas to larger more centralised facilities may impose higher cost burdens for regional communities. While Council does not own or operate a landfill, it is nonetheless exposed to these cost burdens through its contractual arrangements. Any increases in landfill levies are obviously passed on to Council and the impact to the community is significant, particularly given Council's small rate base of approximately 3,000 rateable residential properties.

As stated in the submission, increased landfill levies may contribute to poor waste management practices. Disposing of contaminated waste such as asbestos must be undertaken at approved landfills, however as this is costly, those in financial difficulty may consider a non approved landfill option now and more so in the future as costs rise. For waste of this nature given that it cannot be re-used and the overall preferred risk management approach is elimination, concessions should be considered to help to reduce asbestos contaminated waste in our communities and protect public health.

The discussion paper states *Combatting pollution on inland waterways in rural and urban areas will be an ongoing challenge, with sources as diverse as agricultural runoff, stormwater litter and pollution, septic tanks, mining waste and tailings, and accidents and spills.*

The discussion paper appears to be silent on marine pollution as a result of a number of causes, including stormwater runoff, accidental spills etc. Climate change will further exacerbate this problem, particularly in light of sea level rise and the potential of marine pollution as a result of receding waters following an inundation event.

Based on the Discussion Paper, it is not clear what role the EPA will have in monitoring marine pollution as a result of sea level rise. Further, it is not clear what changes if any are proposed to the EPA's role for monitoring pollution from stormwater runoff.

It is pleasing to see information captured in the section titled 'changing expectations of government', regarding the importance of being able to communicate to the community complex issues in simple terms. This will always be a challenge in bringing peoples perception of risk inline with the actual risk. Although information from the EPA is not required for Environmental Health Officers in simple terms (maybe for some), existing State Protection Policies can be challenging to interpret, so it is also important that the policies themselves are clear to enforce.

### **Section 4 – About the EPA**

**Discussion Paper Question:** *What aspects of the EPA's work do you value and wish to preserve in the future?*

Section 4 of the Discussion Paper discusses in some detail the roles and responsibilities of the EPA, including the shared responsibilities between EPA, local government, business, individuals and communities. The Discussion Paper appear to lack any information on the respective roles at Federal

and State level. For example, who has responsibility to ensure water quality issues subject to an *Environment Protection and Biodiversity Conservation Act 1999* approval are managed appropriately. Does the EPA have a role in to play under these circumstances?

Another potential area of confusion is the role EPA plays in issuing works approvals for activities with the potential to cause significant environmental impacts subject to the Federal Government's approvals under the *Environment Protection and Biodiversity Conservation Act 1999*.

The EPA talks about shared responsibility but if you are unclear on the roles and responsibilities of regulators it can be come difficult to achieve the desired outcomes. In the Environmental Health Officer sphere there is great value in having points of contact at a local level to assist with EPA related matters (e.g. complaint investigation) rather than communicating through a call centre where misinformation may occur. In previous years there has been nominated points of contact.

Although the Borough of Queenscliffe has a limited number of waste water systems, the proposed move to shift responsibility for approving of new septic tank systems over to Council is a matter of concern. Preserving this as an EPA role is currently being discussed with the EPA through Environmental Health Professionals Australia.

***Discussion Paper Question:*** *How can EPA effectively work in partnership with other government agencies?*

There are a number of areas of EPA responsibilities that are delegated to Councils. For smaller regional Councils, additional support during peak work loads could be of benefit. In addition, due to the scientific nature of work required, additional technical support could be of value.

As mentioned above, understanding and clarification of the EPA's role with respect to monitoring of conditions under the Federal Government's approvals under the *Environment Protection and Biodiversity Conservation Act 1999* would be beneficial.

To work effectively in partnership, it is important that we all communicate more regularly with each other either through bulletins, workshops or meetings. Environmental public health matters unless at the forefront of the news (e.g. Hazlewood fires) don't get much attention which indicates a more reactive approach to communicating environmental issues. In comparison to the EPA the Department of Health and Human Services provides regular forums, workshops and training on existing and emerging issues. Lines of communication are open and Council has an understanding of what they are doing, what they require from us and in turn what we expect from them. If the EPA were to discuss with other regulators and share ideas on how best to take specific problems this would help.

## **Section 5 – How we get there – some directions for consideration**

***Discussion Paper Question:*** *How can the EPA's role in safeguarding the community against the health effects of pollution and pollution incidents be clarified or strengthened?*

It is Council's view that greater emphasis needs to be placed by the EPA on areas of regional, state or national significance (e.g. Ramsar listed sites).

Depending on the nature of the pollution complaint Council receives from concerned residents, safeguarding the community against the health effects of pollution (noise, odour, waste, chemicals) relies heavily on the application and sometimes interpretation of the legislation, state policies and guidance documentation. Clarity around the enforcement options for non compliance with State Environmental Protection Policies (State Environment Protection Policy Control of Music Noise from Public Premises No. N-2 No. S43) would give Council greater confidence that these matters can be addressed.

It was stated in table 3 of the inquiry paper the EPA regulatory roles and lists odour the regulator for odour offensive to humans. In the past experience has shown that Councils have handled these matters due to limited EPA resources. Adequately resourcing the EPA would likely improve and protect against detrimental health effects in the community..

***Discussion Paper Question:*** *How could environmental regulation and other statutory frameworks more effectively prevent future environmental risks and land use conflicts?*

While not necessarily an issue for this Council, development in the vicinity of former industrial and landfill sites has been an issue for a number of Councils in recent times. The EPA should play a more significant role in assessing development applications in these areas by ensuring relevant conditions on any permits are included or the ability to refuse a permit on environmental grounds.

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