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EPA Inquiry Secretariat  
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Dear Sir/Madam

Thank you for the opportunity to contribute to the EPA Inquiry. The City of Greater Bendigo has prepared a collective response of comments from a number of internal departments that have involvement with the EPA policy and service delivery.

In preparing this submission we acknowledge the complexity and varied role the EPA has with respect to facilitating, monitoring and regulating environmental standards across a wide ranging areas.

Throughout our internal consultation there were a number of common themes and issues that repeatedly emerged throughout discussion. The importance of these common themes is highlighted in areas within the submission and hope that our candid responses can be used to positively contribute to your inquiry.

Our key points are:-

- The Sustainability Fund has collected funds from local communities. Significant improvement is needed in the allocation of these funds for long term community benefit.
- The EPA should be responsible for the regulation of mining activity.
- Clarity of the EPA's responsibilities is essential to improve community understanding, and clarify which agency (across state agencies and local government) is responsible.
- The environment audit process has proven extremely costly and slow. We are not convinced it has led to better outcomes.

Please note this submission has not been endorsed by council due to the timing of meetings, but we will confirm with you when it is. Should you have any further enquiries please do not hesitate to contact us directly.

Yours sincerely

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*What do you think are the key environmental challenges which will impact the EPA in the future?*

Population growth and the associated residential, infrastructure and service growth will present a number of environmental challenges that need to be considered across all of Victoria. With this in mind the EPA need to consider their position and role to positively contribute and influence sustainable practices not just in the natural and built environment but in the social sphere by ensuring legislation/regulation and policy adequately supports and responds to this challenge.

The City of Greater Bendigo believes that this presents the most important challenge that the EPA has in the future to understand and meet the needs of the whole Community, Industry, Local Government and other State authorities. This challenge will present the EPA with the issues of leadership, resourcing, support and approach. Detailed below are some issues raised that we believe need to be addressed to successfully plan to meet this challenge.

Over the years the EPA has moved away from the provision of scientific and technical advice to local government and industry. This was advice that was highly valued and the loss has been to the detriment of environmental outcomes for the community which in turn affects social, health and economic indicators.

It is our experience that the EPA's current approach and resourcing levels do not meet the needs or expectation of the whole community to enable the EPA to effectively perform their responsibilities. A common theme throughout the City's consultation was that the EPA was unable to provide clear and effective technical guidance to support the Community, Business/Industry and Local Government to make effective and timely decisions to improve environmental outcomes.

Consideration should be given to the Community's and various stakeholder's expectation that the EPA be a highly skilled resource to guide best practice outcomes that improve the community and environment that we all live in. The combination of policy, regulation, information, education and guidance are an integral part of the whole package of service sought from the EPA to achieve good environmental outcomes. The role as educator/guidance needs to be balanced carefully with a regulation and compliance responsibility that the Organisation has. Perhaps through building capacity in technical expertise combined with a practical risk assessment approach, will result in better decisions that result in better environmental outcomes.

We believe the EPA is best placed to lead innovation and research, which looks at improving management of waste streams, or change to behaviours that have a negative effect on the environment. This investment could be funded through the Sustainability Fund (landfill levy). The return on investment in terms of environmental, economic, social and health improvements would see the community, industry and local government benefiting from the revenue collected. Some suggestions are broiler waste disposal and composting, organic waste collection, litter reduction and

compliance programs. Another suggestion is to investigate point source reduction of pollution sources, such as working with industry to improve design of wood heaters and cars to reduce pollution emissions.

One reoccurring theme raised must be addressed by the State Government through this Inquiry is the purpose and intent of the Sustainability Fund. The purpose and intent of this fund should be clearly articulated and it should be accessible to the community through reinvestment into programs and projects that improve environmental outcomes.

We believe these funds should be used to provide the resources to support the community, industry and government to reduce waste, identify innovation to reduce emissions or negative impacts from industry, develop educational programs that change behaviours and manage legacy sites such as landfills and contaminated sites so that they can be appropriately reclaimed for the benefit of the community. We would like to see more and transparent use of these monies to improve the environment and health of the community.

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

One reoccurring theme that was discussed was the independent role that the EPA is seen to have and how they use that independence to improve environmental and community outcomes. The importance of striking a right balance to provide the best outcomes on behalf of the Community rather than an organisation, political issue or economic benefit to an individual/organisation was seen as a crucial position that should be maintained, improved and strengthened by the EPA.

However this independence can be and has been restricted on occasion or less effective by risk based approaches and cost reduction measures.

Regulating and monitoring business and commercial industries through works approvals, licensing and trade waste agreements is important to Local Government and benefits the wider community. The City supports and advocates for this to continue to ensure that best practice standards are maintained by business/industry without creating legacy issues or negative impacts.

The City values the EPA Regional Offices and relationships developed with local staff. The importance of developing local knowledge and understanding is important to providing service, support and resources to the local community and Local Government. The inquiry should investigate and implement strategies to improve the capacity of Regional Officers and staff to support their regional community through service delivery. The development of skills and technical capacity of regional staff should be relevant to the local environment and business/industry activity.

Community education and awareness campaigns are seen as important in their ability to change behaviour. The EPA litter campaign has been successful in assisting Local

Government work with the community to change people's awareness and understanding. This model could be used to improve a number of negative behaviour actions thus contributing positively to the environment and the community.

*How can the EPA effectively work in partnership with other government agencies to meet environmental challenges of the future?*

We believe that the EPA can work more effectively in partnership with Local Government and other agencies in a number of ways. Firstly there needs to be some clarity regarding roles and expectations must be understood. This would result in improvement in functionality and better customer service.

Local Government is not in the position to accept further responsibility through agreement or legislative change and cost shifting is unacceptable. The imposition of revenue control on Councils via rate capping will affect capacity of Local Government to absorb additional responsibilities whether redistributed through the change of legislation or policy.

By reviewing legislation, policy, regulation and tools we believe the EPA can remove complexity, inconsistency and duplication with other regulations to promote compliance and best practice in a more effective way (e.g. emissions standards are inconsistent between EPA and DHS).

The EPA's current approach is viewed by industry and the City as adversarial. We recognise that EPA does have a regulatory and enforcement role. This could be achieved by changing the methodology around undertaking and delivering of requirements of the Act. The City's experience in regulation is that most people want to do the right thing; they want to comply and need guidance, information and direction on how to do so. In recognising this City has changed its approach to compliance through information and awareness, only approaching legal enforcement as a last resort or where risk to community is high.

At an operation level the City expresses concern on the ability for the EPA to deliver on their role and Strategic Plan. To renew and refocus to achieve the priorities we feel that:-

- The organisations structure should reflect and be in line with the priorities and clearly articulate the EPA role.
- The EPA need to support Local Government to remove problematic industry and conflicting land use through rezoning.
- The EPA need to provide technical and scientific support.
- EPA staff feel supported and enabled to engage and resolve issues.
- That the EPA engages with Local Government and other stakeholders before they change work practices will impact on 'partners' such as Local Government.

*How can the EPA's role in safeguarding the community against the health impacts of pollution be clarified or strengthened?*

To clarify and strengthen the EPA's role we believe that the inquiry must address the issues and lack of clarity of how DELWP, Sustainability Victoria and the EPA work and support each other and communicate that more clearly to the community. This will allow these organisations to respond to what the Victorian Community and Local Government authorities are telling them are the important issues.

For the City of Greater Bendigo our wish is to be the most liveable regional city in Australia. This relates to the wellbeing and attractiveness of the City as a place where people want to live. We strive to be safe, healthy, access to services, prosperous and inclusive.

The EPA through legislation and their role play an important part in assisting the City to deliver on our vision, we feel that it could be strengthened by the EPA giving consideration and responding to the following comments:-

- Legislation and associated regulation/policy needs to be written in a manner that it facilitates and supports all aspects of the community to maintain an agreed standard of environmental objectives.
- The EPA need to be resourced appropriately so that they can support the community, business/industry, local government and other agencies to achieve environmental objectives that positively contribute to the wellbeing of the community and environment in which we live.
- Tools that support local government in achieving their roles and responsibilities need to be simple appropriate and managed so they are applicable at a local level.
- Consideration of local climate and priorities need to be given at a regional level to support the community in achieving priorities and outcomes important to the community.
- Maintaining independence to provide assurance to the community and authority in sensitive matters such as mining regulation and regulating industry through licencing/work approval process.
- Considering geographical and impact of legacy activity when providing advice or requiring action to remedy/constructing major projects for example contaminated land and landfill cells.
- Driving change in waste management for problematic industry wastes.
- Responding to the Community where clearly the legislation requires that the EPA action, not looking to direct responsibility to Local Government.

We strongly support the recommendation of the McGuckian report into the Costerfield Mine antimony issue, that the EOA should be responsible for regulating mining activity. The current system is overly complex, with too many agencies involved in regulating parts of mining activity. Given the very significant short and long term impacts on the community and environment, a more cohesive and integrated approach is required.

*How could statutory frameworks more effectively prevent future environmental risk and land use conflicts?*

The EPA should focus on building capacity to assist the whole community to achieve better environmental and health outcomes by:-

- Facilitating improved outcomes.
- Acting as an educator to industry and the community.
- Guiding and leading research into new technology and best practice.
- Acting as an independent adviser to all government levels.

By taking this approach the EPA will be better able to influence through application of new technology, best practice principles and lead compliance through facilitation. However we acknowledge that enforcement is still a necessary tool and approach where appropriate to manage unacceptable risk to human health and community safety and maintaining environmental standards.

We suggest that any change in regulation of industry and business that historically require licensing or works approval should encourage compliance through incentive - based approaches. By guiding business/industry how to minimise waste and amenity issues, could result in increased compliance and reduce cost of applying various treatments until the appropriate standard is met.

Some examples given during our internal consultation found that compliance and enforcement approach had not facilitated relationships that supported industry or business coming forward when problems arise for fear of fines, legal notices and proceedings. The City of Greater Bendigo has experienced this across a number of areas such as landfill operations and through to remedial requirement on old tip sites.

We feel that any application of legislation, approach to works approvals or licensing application, need not only to consider best practice but also local geographical conditions to ensure the appropriate environmental standards to complement a risk based approach. This, coupled with technical advice and innovation, will assure the community that environmental and health objectives are being maintained.

The City does not believe that the introduction of an audit based approach in areas such as land contamination and wastewater management has resulted in the best environmental outcome for the community. The problems that have emerged from this approach are questions with respect to impartiality, cost, timeliness, reports that are difficult to understand and apply, suitability and experience of persons undertaking audits/land capability assessments and reports that do not adequately consider the risk and proposed use/development. Whilst the intent is this process has merit its application has not always been successful. The EPA needs to use its technical knowledge and expertise to improve this process.

With respect to Land Use planning the EPA's role as an independent referral body to assist the community to achieve suitable and appropriate development is crucial. The

City requires the independence, support and advice that the EPA provides on encroachment, industrial/business development, and appropriate development of legacy/contaminated sites. Whilst the process is established the technical support and resources required to support decision making has not been available or consistent at all times. Furthermore the lack of willingness or priority for the EPA to manage compliance of regulation/policy that comes under their jurisdiction is frustrating to the community who do not have the expertise or authority to manage the responsibility.

The City feels that the EPA could be more supportive of City projects that seek to remove and resolve community issues. The EPA's assistance with respect to the mine water issue in Bendigo is a successful example of the EPA working with all stakeholders to guide and develop a suitable medium term resolution to an issue faced by our community. Similarly the EPA could provide public support on the Marong Industrial Park rezoning. This seeks to create a suitable space for industrial activity for the next 50 years, well apart from conflicting uses, but the EPA has been silent.

#### *What role should the EPA play in emergency management?*

The EPA's role in emergency management should be as an independent authority that has the skill, ability and will to act within the best interest of the community. They do not have the capacity or resources to be a lead agency in an emergency situation. However they could be best positioned to provide independent technical advice and monitoring.

For example the EPA should have the ability to activate quickly to provide independent advice or clarification to the relevant audience on matters such as soil, land, odour or water contamination that may be effected by the 'emergency'.

The EPA should establish timely monitoring to determine appropriate action for control and response agencies to make the appropriate and best decisions for the community to manage the impact on their health.

#### *How can the EPA better identify and where necessary, address problems that are the result of past activity?*

#### *What can EPA do to avoid potential future problems?*

The City of Greater Bendigo believes that the above questions are tangibly interrelated and should not be separate. Observation and experience has demonstrated that the EPA need to integrate better with Local and State level planning to better manage legacy use or 'existing planning use rights'.

The EPA's independent position that is ideal in supporting, mediating and addressing conflicting interests between authorities, developers or aggrieved community members.

We believe that the EPA should take the lead with respect to contaminated/legacy land and coordinate the approach to a centralised register, guidance and technical advice process on the identification, audit and rehabilitation of land for suitable use. The use of the Sustainability Fund (landfill levy) to improve the environmental management and use of these sites would be a positive investment outcome for the Victorian Community in the long term.

The City believes that the EPA is best positioned to manage a coordinated response at a State level. The EPA's role as an independent authority could be advantageous in managing community concern presented by this issue.

Through increasing capacity in scientific development and research the EPA could lead development of best management practice in industry and business that they regulate to achieve reduced emission or negative by waste by products, thus achieving better long term outcomes.

We also believe that the EPA could lead better consideration of land use impact, required rehabilitation and consideration of other impacts after closure, during the approval process of high risk industry such as mining. The failure to consider the impact of a mine ceasing to pump water after mine closure is one current example; consideration of surface rehabilitation is not enough.

*What role should the EPA play in improving environmental outcome beyond those necessary to safeguard human health?*

The Environment Protection Act clearly intends the EPA to have a role through protecting the City environment from pollution and adverse impacts.

Human health is maintained through ensuring that the environment that we live, work and play in is safe and legacy issues are minimised. The EPA's role is to ensure that with changing technology, growing population and changing industry that their approach to achieving objectives and protecting the environment is changing to meet development. Getting the desired outcome by providing skilled, technical advice that allows business, industry and the community to meet the required standard should be the goal of the EPA. Local Government believes that a healthy and safe community is what is important through leading and facilitation this outcome is more affordable and resilient than one built through applying rules and penalties.

Further improvements could be achieved by the EPA work collaboratively with other agencies and stakeholders to build community capacity and reach desired outcome not in conflict or duplication in areas such as land use planning, noise regulation, planning encroachment, wastewater management, works approval and planning amendments.

We believe that it is important that the EPA continue to facilitate beneficial policy and regulate outside political influence but need to modify their approach to strengthen the provision of support and guidance to improve compliance.



*What role should the EPA play in reducing greenhouse gas emissions?*

The EPA should not duplicate the role of Department of Environmental Planning Land and Water or Sustainability Victoria. The EPA's role could be through monitoring businesses and industry that they regulate through the licensing system such as landfills and licensed businesses for compliance with emission targets.

Or alternatively through innovation and development the EPA can assist the community and industry to reduce emissions. If the EPA were to extend the role wider than monitoring business and industry that they already regulate then resource allocation would be required.