

28 October 2015

EPA Inquiry Secretariat
PO Box 21428
LITTLE LONSDALE STREET VIC 8011
via email: info@epa-inquiry.vic.gov.au

Dear Sir/Madam

Submission to Environment Protection Authority Victoria (EPA) Inquiry

Thank you for the opportunity to make a submission to the *EPA Inquiry, Examining the future task of Victoria's Environment Protection Authority*.

Bass Coast Shire Council supports the inquiry and welcomes the review. After reviewing the available documentation Council offers the following comment:

Role clarity

The EPA is perceived as a risk-based, decision making authority and needs to clearly define and communicate its role as a regulator and to operate in a strategic space. Historically the EPA has appeared, at times, to have a scattergun approach where attempts have been made to cover multiple areas, including education. This has resulted, at times, in not delivering high quality outcomes and creating a lack of confidence in the community. The EPA requires a clear focus on clean air, water and land.

There is ongoing confusion between the role and function of EPA Victoria and Sustainability Victoria in the areas of environmental justice, community education and ownership, waste stewardship and the environment citizenship strategy.

The role of the EPA being to *safeguard human health* and *protect human health* is a misguided principle for the EPA to operate from. This should be an outcome of regulating to protect the natural environment from human behaviour and unsustainable actions, resulting in a healthier environment for communities to live and play.

Legislation and regulation

The legislative environment and framework does not assist the EPA to define or exercise its responsibilities as it is often ambiguous and unable to be enforced. The legislation requires a significant review to provide the strategic direction and framework for the EPA to define, clarify and communicate its role and effectively operate.

The application of State Environment Protection Policies, and EPA regulations and guidelines between urban, peri-urban and rural areas is not keeping up with population growth and the changing environment, and the demands being placed on the natural and built environment. It is becoming increasingly difficult for organisations, eg, local government, in growth areas to understand and interpret the application of the regulations where they are not considered an urban area, however, communities are being affected by the same pollution incidences as metro urban areas, eg, industrial and residential noise.

The EPA should be regulating for prevention into the future, rather than a “post-harm” approach as referred to in the document on page 13. Immerging and ongoing issues and pollution events, such as nanoparticles and plastics in waterways and ocean, require preventative strategies and actions.

A philosophy needs to be applied to local government in relation to legacy landfill requirements to decrease the financial burden. Rate capping will make resources even more scarce. A partnership approach is needed to ensure progress continues to be achieved for legacy landfill issues.

Changing economy

Council supports the inclusion and comments within the text box on page 9 regarding intensification of primary production, and the EPA regulatory role in this sector. Council has a desire to provide input and work in partnership with Victorian government agencies to improve the current process when assessing the growth in primary production.

Given Council's experience with the Yo Yo Kernot Dairy planning application in December 2014, Council recognises that a coordinated partnership approach is required to develop more robust approaches to:

- Clear strategy and planning framework
- Balancing competing land use
- Environmental protection regulation
- Community engagement
- Animal welfare

Council supports a collaborative approach with data sharing and information technology; however, this must be supported by state government resources to prevent further cost shifting to local government. The introduction of rate capping means that local government have no further capacity or resource to absorb changing and increasing expectations.

General comment

The EPA needs to be adequately resourced at a regional level to be effective and relevant. Currently the majority of technical expertise resides in the Melbourne office, particularly for landfill rehabilitation works, and can be difficult to access. Council acknowledges the EPA's responsiveness and assistance after an event; however local government also relies upon the guidance and regulatory interpretation of the EPA to assist them with compliance and problem solving. Council's experience in seeking proactive advice is that this is difficult to access, and information is presented in such a risk-adverse manner that it is often of little assistance.

Council has reviewed the MAV draft submission to the EPA Inquiry and supports the comment particularly regarding the use of landfill levy funds.

Council welcomes the opportunity to work more closely with EPA Victoria in the future and continue developing a valuable relationship.

For further information on this matter please contact Ms [REDACTED]
Manager Sustainable Environment, on 1300 BCOAST (226 278) or via email at
[REDACTED]

Yours sincerely

[REDACTED]

Cr Kimberley Brown
Mayor

Ref: ED15/135400