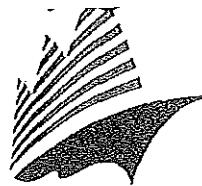


30 October 2015



Ms Penny Armytage
Chairperson, Ministerial Advisory Committee
EPA Inquiry
PO Box 21428
Little Lonsdale Street
MELBOURNE VIC 30011

WARRNAMBOOL
CITY COUNCIL

Dear Ms Armytage

SUBMISSION TO THE MINISTERIAL ADVISORY COMMITTEE FOR THE INQUIRY INTO THE ENVIRONMENT PROTECTION AUTHORITY

Warrnambool City Council (Council) is pleased to make a submission to the Ministerial Advisory Committee for the Inquiry into the Environment Protection Authority (EPA).

Council supports the Inquiry into the EPA to ensure the authority continues to be an effective environmental regulator and influential authority on environmental impacts.

Background

Warrnambool is Victoria's largest coastal regional city and is the fastest growing economy and population centre in southwest Victoria.

Warrnambool has a steadily growing population. The estimated resident population of Warrnambool was 33,601 in 2014 and is expected to increase to approximately 47,000 people by 2036.

The City is bound by Moyne Shire in the north, east and west and the Southern Ocean in the south, and is approximately 260 kilometres west of Melbourne. The City encompasses a total land area of 120 square kilometres. Much of the rural area is used for agriculture, particularly dairy farming.

Milk and meat processing are significant manufacturing industries within the City. The Midfield Meat Processing Plant and associated rendering plant (Warrnambool's only licenced scheduled premise) are one of Australia's largest capacity meat processing plants. The Midfield Meat Processing Plant and the Fonterra Milk Processing Plant (located in Dennington) are significant contributors to the national, state and local economy and are major employment generating activities.

Council is responsible for the monitoring and compliance of a former landfill in West Warrnambool. The City also contains significant servicing infrastructure, for example the Wannon Water Sewerage Treatment Plant.

Submission

In summary, Council considers to the year 2050 and beyond, the EPA should be focused on:

- Ensuring our community does not experience disturbance from noise and odour;
- Resourcing the EPA to ensure it is an effective environmental regulator and influential authority in our region.

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MINIMAL DISTURBANCE FROM NOISE AND ODOUR

Public health issues are a key concern of Council and our community (e.g. air and odour emissions). Council recognises that air emissions and offensive odours can affect the lifestyle, health and welling of individuals.

Within Warrnambool, there are several industries that have potential to generate offensive odour and air emissions. These industries include a stock saleyard, abattoir, milk product production, asphalt and cement production, sewerage / wastewater treatment plants, and waste transfer stations.

The EPA provides expert advice on recommended separation distances between industrial uses that emit odour or dust, and sensitive land uses ('*Recommended separation distances for industrial residual air emissions*', EPA Publication 1518). The guideline contains recommended minimum separation distances that aim to minimise the off-site impacts on sensitive land uses arising from unintended, industry-generated odour and dust emissions.

Over time, sensitive uses have established within identified separation distances to existing industry (e.g. residential development) in urban areas of Warrnambool. Residential encroachment and intensification near industrial uses can impact on the health and amenity of residents as well as the viability of established industries. Without careful management, there is capacity for further residential encroachment within identified separation distances.

Council, in collaboration with the EPA (South West Region), has recently taken a proactive approach to manage potential amenity impacts within identified separation distances (Review of Land Uses within Industrial Buffers, 2014).

The review includes Separation Distance Management Plans that analysed land within each identified separation distance based on historical land use and development. The plans make general recommendations with regard to implementing appropriate planning mechanisms to actively manage land uses within identified separation distances. The Separation Distance Management Plans clearly:

- Set out the land use and other conditions in vicinity of existing uses that have the potential to cause amenity related impacts.
- Identify uses which require application of a recommended separation distance.
- Identify the activity area/s as outlined in the '*Recommended separation distances for industrial residual air emissions*', guideline (Publication 1518).
- Assess the potential for intensification of sensitive land uses within identified separation distances and provide recommendations regarding management of future development.
- Identify and make recommendations regarding existing zoning and other controls that may require further review.

A copy of the Review of Land Uses within Industrial Buffers can be made available upon request.

Recommended action:

A key focus of the EPA (in collaboration with Local Government) should be the active management of identified separation distances to assist in the long-term retention and continued viability of existing employment generating activities. The ongoing management of identified separation distances would also ensure communities within close proximity to established industries and facilities are protected from off-site impacts such as dust and odour.

The Review of Land Uses within Industrial Buffers report and Separation Distance Management Plans could be a tool that EPA in collaboration with Local Government could implement across the state.

AN EFFECTIVE ENVIRONMENTAL REGULATOR AND INFLUENTIAL AUTHORITY

The EPA's role is to be an effective environmental regulator and influential authority on environmental impacts. The EPA also fulfills a valuable regional expert / oversight role across different sectors of the environment including wastewater management, waste management (e.g. closed landfills) and water quality.

The EPA has a critical role in monitoring industrial uses and former landfill sites to ensure they comply with relevant legislation and approvals (e.g. permits / licenses). It is understood the EPA monitors industry / landfills on a 'risk based' model that focuses compliance monitoring and inspection efforts towards the biggest risks of harm to the environment and to those people and business that are less likely to comply.

The EPA monitors compliance through site visits and inspections, field and desktop audits, observations by EPA officers etc. It is noted the community also plays an important role in detecting and reporting pollution and potential impacts on the environment. Unfortunately, these methods are often reactive to an issue / impact rather than proactive monitoring.

Council's experience is the average response time between a complaint and site inspection is four weeks. Council officers frequently assist EPA officers by conducting site inspections in their absence however, there are limitations for powers of entry and delegations of enforcement provisions.

Council supports the EPA's recent decision to establish an enforcement officer to be based in Warrnambool 1-2 days per month. An increased presence in the region will assist in raising awareness of environmental laws and requirements and will assist in responding to compliance matters.

Council relies on the EPA's expert advice and oversight on regional issues such as waste water management and landfill management. The EPA's regional role should be further enhanced and resourced (i.e. additional staff and new offices in regional areas) to ensure it can effectively regulate and influence environmental impacts to 2050 and beyond.

At a regional level, the EPA is well placed to provide guidance on issues affecting the region and to provide a consistent approach across local government areas. It would be disappointing if the EPA's presence in regional areas was reduced to the point that it could no longer fulfill this valuable regional expert / oversight role.

As an example, Council is disappointed the EPA recently announced it intends to remove the requirement for individual treatment systems to hold an EPA certificate of approval. Instead, the EPA will approve 'types' of systems (as required by the *Environment Protection Act 1970*).

The proposed approach reduces the EPA's regional expert / oversight role and could potentially lead to inconsistent decision making across local government areas. Council is concerned that it does not have the required expertise or resources to assess the specific design and operational capabilities of new systems. The lack of adequate knowledge and resources for the assessment of specific systems could potentially increase Council's risk and liability.

Recommended action:

The EPA should be appropriately funded and resourced, through increased State Government funding, to ensure it can effectively establish and monitor environmental standards and expectations based on science and community aspirations to the year 2050 and beyond.

An Increased presence in regional areas (e.g. Warrnambool, Ballarat, Mildura, Wodonga, Horsham etc.) is critical to ensure problems are effectively resolved before they lead to an impact on the environment.

Thank you for considering the matters raised within this submission. Should you require any further information please contact [REDACTED] Manager City Strategy & Development on telephone [REDACTED] or email [REDACTED]

Yours sincerely

[REDACTED]
BRUCE A ANSON
CHIEF EXECUTIVE