



Baw Baw Shire Council
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RE: Submission to the Public Review of the Environment Protection Authority

Please find enclosed Baw Baw Shire Council's written submission to the public review of the Environment Protection Authority (EPA).

Council supports the 'key areas for attention' that will form the basis of the EPA Inquiry, as identified in the Discussion Paper.

Baw Baw Shire Council wishes to emphasise the following points to the EPA Inquiry:

Public Health

Public health protection as well as broader environmental protection should be the primary driver in how the EPA establishes standards; assists in provision of advice and assists in investigation of possible breaches of the standards.

Environmental Health officers look to the EPA to provide more specific and specialist advice. Issues that have arisen at Baw Baw and require consideration by the Inquiry include:

- Gaining assistance from the EPA for responding to complaints from the general public.
- Council's planning and environmental health units are currently required to enforce planning permit conditions stipulated by the EPA.
- On some occasions, the EPA chooses not to provide comment/conditions on planning referrals that have been sent to them as part of the referral process.
- In relation to complaints – if it is related to a commercial activity, the complaint should be directed to EPA. However, the EPA call centre often refers such complaints to local government to deal with. This causes confusion and frustration for the general public.

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- There is an inconsistency with the EPA in licensing and issuing works approvals for septic tank systems (i.e., systems over 5000L per day) and what Council is required to do. Some sites within the region should have been licensed by EPA but have never been inspected, assessed or issued with permits when issues were raised with officers.
- It would be beneficial if the EPA could be contacted directly by EHOs that are looking for detailed technical advice or discussions. A contact list of EPA officers with details of expertise/specialisation would be desirable.
- It would be desirable if more information and skills were given to EGOs so that they could conduct initial inspections and pass on the complaint investigation to EPA officers.
- It would be desirable for the EPA to be more involved in joint investigations of problems.
- It would be desirable if the EPA could expand the training they provide to internal staff to EHOs to assist local government to obtain more skills and knowledge to undertake complaint investigation on current and developing areas of concern. Council often does not have the skills and knowledge to have an appropriate assessment completed.
- Consideration should be given to establishing/improving a list of sites that have been found to be contaminated. Such a list could be linked spatially to Council's GIS system and planning overlays.
- Living in rural environment – odour, noise complaints (dairy effluent, scare guns, poultry manure; travelling irrigation systems of wastewater, spray drift), disposal of dead stock, growing development of intensive poultry production, cattle feeding, hydroponic sheds and associated noise – these issues require better planning consideration when lots are subdivided. People purchasing these small lots expect different standards than rural living (i.e., city/residential standards). Noise/vibration complaints where noise may not be detected by people but requires appropriate equipment to assess. What are the standards to be considered (e.g., noise/vibration of low humming levels)?



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- Better access to facilities which allow for appropriate recycling of products that have reached their used-by-date is required (e.g., batteries, e waste). Councils currently have to manage these sites.
- Sites for the disposal of asbestos are currently limited.
- Stormwater runoff and contamination of stormwater drains and waterways (e.g., effluent, oils and petroleum products, detergents). Better coordination between Council, EPA and water authorities is required.
- Use of recreational vehicles on larger rural lots (e.g., 4-wheel and 2-wheel motorbikes, etc.). Council's Local Laws have no control over noise and visual emissions at such locations as well as arising soil erosion issues through development of private motor bike tracks. There are no guidelines to regulate such activities. Such circumstances have to be currently assessed through the *Public Health & Wellbeing Act* as a nuisance.

General

- The Victoria State Government has been incrementally transferring environmental planning and regulatory responsibility to LG that was previously undertaken by the EPA. For smaller rural councils such as Baw Baw Shire, this has resulted in regulatory responsibilities that are performed in a less than satisfactory manner due to resourcing constraints. With LG moving to a 'rate-capped' environment in the immediate future, it is pertinent that this Inquiry clearly defines the environmental regulatory role of LG within a future resource-constrained environment.
- Council supports a revised EPA vision that directly links potential future economic growth in Victoria with 'a healthy environment that supports a liveable and prosperous Victoria' so that the two objectives are not seen to be in conflict with each other.
- Council supports the requirement for the EPA to have much stronger enforcement powers, particularly for incidents that pose high environmental and health risk. The EPA should have greater capacity to be able to effectively and rapidly respond to sources of pollution as well as the ability to enforce significantly larger fines for environmental breaches considered to be of a high risk to the community and/or environment.

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- Smaller regional councils such as Baw Baw cannot afford expensive

consultants/contractors to sort out high-risk environmental issues. It is recommended that the Inquiry considers a future role of the EPA in providing smaller regional councils with technical assistance/expertise when dealing with complex environmental issues.

- The EPA should be structured, resourced and prepared (through regulatory tools) to deal with the impact of climate change (resulting in pollution events from extreme weather) and potential new and emerging pollution sources (e.g., resource extraction, underground water supplies).
- Higher environmental standards and increased levies associated with management and rehabilitation of landfill sites for waste has resulted in substantial increases in costs for LG. This has become a particular burden on smaller rural council's such as Baw Baw that have more limited resources for landfill management and rehabilitation.

Thank you for the opportunity to comment on the EPA Inquiry.

Yours sincerely



Greg Hollis
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