



30 October 2015

Ministerial Advisory Committee
Inquiry into the Environment Protection Authority
PO Box 21428
Little Lonsdale Street
MELBOURNE VIC 8011

Dear Sir / Madam

Examining the future task of the Environment Protection Authority

I am writing on behalf of Moyne Shire Council in response to an invitation from the Ministerial Advisory Committee to make a submission to the Inquiry into the future task of Victoria's Environmental Protection Authority.

Council was represented at the consultation session conducted in Warrnambool where a considerable number of suggestions were raised. This submission reflects the six most significant issues from Moyne Shire Council's perspective.

1. Windfarms

Noise associated with windfarms is complex and the disputes that arise from noise associated with windfarms is difficult to resolve. With planning approval for windfarms frequently processed by the Minister for Planning, there is sense in utilising the EPA to establish noise standards and undertake the necessary compliance and enforcement activities to ensure windfarm companies adhere to the standards. Therefore, windfarms should be listed as a scheduled premises under the *Environment Protection (Scheduled Premises and Exemptions) Regulations*.

2. Share Knowledge

The EPA and in particular its field officers, undoubtedly encounter a range of environmental problems and an equal number of solutions. It therefore makes sense for EPA to share the learnings it accrues as a result of operating across the state to help municipal councils solve problems. It was evident at the consultation meeting that people view EPA as experts in its field and expect EPA to provide advice on how to resolve issues, not just stop at pointing out non-compliances. This may be achieved by authorising EPA officers to provide advice or facilitate contact between organisations dealing with similar issues.

3. Simplify Regulatory Framework

The regulatory framework established under the EPA Act is complicated and difficult to implement. The Act, regulations, SEPPs, BPEM and guidelines, combine to create a complex raft of rules for environment protection. Arguably, guidelines and best practice documents are not optional when they are enforceable. The SEPPs are an example of this as it is unclear if they can be enforced, by whom and in what circumstances.

While it may be appropriate to develop separate documents to establish performance standards for different issues, it would be beneficial if they were all described the same. Code of Practices are widely used and frequently incorporated into legislature. Alternatively, performance standards may be appropriate.

4. Landfills

The highly prescriptive requirements relating to landfill management are adding unnecessary cost to waste management, particularly in rural areas. Maintaining a prescriptive approach to landfill management as opposed to performance based management is both costly and in many cases, provides no additional benefit. While prescriptive standards make it easy for operators to understand what the requirements are and also make it easy for EPA to determine if a landfill operation is compliant, it has the potential to result in over engineering of the construction, operation and closure elements of the landfill. This is particularly relevant in rural areas where soil types, remoteness and waste volumes mitigate risk.

Moyne Shire has allocated \$700,000 to rehabilitate a small landfill in remote countryside that has not received putrescible material for more than 10 years. The risk with this site is clearly low, yet the rehabilitation standards are essentially the same as if it were a large site situated on the edge of a city.

5. Landfill Levy

The operation of the state landfill levy is a concern to Council. While the cost of waste management continues to rise, more than \$300 million is being held in the state landfill levy fund. The EPA has an opportunity to guide the use of the fund and provide financial assistance with closed landfill rehabilitation.

The EPA should also be providing recommendations on use of the levy to support Councils with the construction, operation and ultimately decommissioning of landfills. The use of the levy in this regard will reduce the direct cost of landfill operations to operators and provide flow on savings to Councils and ratepayers who utilise landfills.

6. Domestic Wastewater Management

Finally, it is imperative the EPA continue to assess domestic wastewater systems and provide the Certificate of Approval for use in Victoria. Having a central authority provide this service reduces the need for each Council to go through the assessment process and ensures consistency for system manufacturers, plumbers and Environmental Health Officers. It is a more efficient approval process and reduces Council's exposure to risk associated with approving or not approving a system.

Conclusion

Council welcomes the review into the EPA and appreciates the opportunity to make a submission to the Ministerial Advisory Committee. Please contact Robert Gibson, Council's Manager Environment & Regulatory Services, if you would like to discuss this submission further.

Council looks forward to receiving a copy of the Ministerial Advisory Committee report detailing the findings of the inquiry in due course.

Yours sincerely



David Madden
Chief Executive Officer