

Response Reference: A6119541

5th October 2015

Ministerial Advisory Committee
Independent Inquiry into the EPA
PO Box 21428
Little Lonsdale Street
Melbourne VIC 8011

Re: Independent Inquiry into the EPA

The Mornington Peninsula Shire would like to thank the Ministerial Advisory Committee for the opportunity to make a submission to the Independent Inquiry into the EPA.

Background – about the Mornington Peninsula

The Mornington Peninsula Shire is located south east of Melbourne and covers approximately 720 square kilometres of land with a coastline that extends over 190 kilometres which is 10% of Victoria's coastline. The Shire has 40 settlements spread across the peninsula, with the majority of the residential population living along the coastline of Port Philip Bay. The Shire has an estimated permanent resident population of 153,800 (2014). As a popular holiday destination the population can increase by 30% during the summer holiday period.

The Shire's strategic plan (2014-2017) includes key goals associated with environmental protection and climate change including:

- **Leading change on climate change**

To address flood and fire risk, to reduce our carbon footprint, water usage and waste across Council operations and in the wider community.

- **Enhancing public places & spaces**

Sustainable natural systems: To strengthen research, monitoring and evaluation processes to support better understanding and management of land, waterways, soils, habitats and environmental systems.

The Shire has a strong commitment to managing the opportunities and challenges associated with climate change. This includes a commitment to carbon neutrality for Shire operations, and also commitment to protection and preservation of environmental resources.

Our work with the EPA

Mornington Peninsula Shire works closely with the EPA in a number of areas including, but not limited to: waste management, environmental protection, water, planning and environmental health.

Mornington Peninsula Shire

The Shire would like to provide commentary in response to the following selected submission questions:

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

We anticipate a number of significant environmental challenges for Victoria in the coming years and these will impact the work of the EPA. Some of the most pressing challenges include:

Waste management

Increasingly community attitudes are changing with regard to waste management. There is limited acceptance of land filling as an appropriate ongoing waste disposal option as illustrated by the Mornington Peninsula Shire's community response to the proposed landfill at Arthurs Seat. However, we have found strong community support on the peninsula for Alternative Waste Technologies (AWTs). This was illustrated during the extensive community consultation undertaken to inform the development of the Shire's Municipal Waste and Resource Recovery Services Strategy. During the community consultation process 93% of the community surveyed agreed or strongly agreed that the Shire should continue to work with State Government to support the introduction of alternatives to landfill. Whilst 87% agreed or strongly agreed that the Shire should send kerbside garbage to landfill alternatives when available. This shift in community attitude will require the EPA to have a more pro-active role in guiding the development of AWT facilities in Victoria; up skilling its work force to comprehensively understand a number of changing and emerging technologies, and facilitating the development of new AWTs through the provision of practical guidelines and advice on potential sites and technology.

Diffuse sources of pollution

Non point-source pollution is increasingly having an impact on the water quality of waterways in Victoria. Mornington Peninsula Shire has been working with Melbourne Water and other stakeholders to implement a pilot program to engage local landowners to implement land practices that will improve water run-off into Watson Creek and Main Creek. This project reinforced to us the importance of taking a multidisciplinary approach (including behaviour change educational strategies) to address the challenges of non-point-source pollution. Non point-source pollution is more challenging to understand and to regulate, and may require new tools and approaches from the EPA.

Emerging technologies

Understanding and regulating the impact from emerging technologies is becoming more important, such as electromagnetic radiation and e-waste. There is a potential role for the EPA to research and understand the environmental and health impacts of these technologies and those of future technologies, to ensure a safe and liveable environment for Victoria.

Climate change

Climate change is a key environmental challenge with implications for the whole of Victoria. With a changing climate, the EPA's role in emergency management will continue to be important. There is also potential for the EPA to assist with helping industry to reduce its greenhouse gas emissions and therefore the potential impacts of climate change. In the past

the EPA has administered the Environment and Resource Efficiency Plans (EREP) program which required large scale energy and water using sites to identify and implement resource efficiency actions. Whilst we understand that industry is currently able to elect to participate voluntarily in this program; we would support the reinstatement of this program as mandatory for significant energy and water using sites.

Major infrastructure projects

The EPA has an important role in working collaboratively with other stakeholders to inform and provide guidance about environmental impacts for all major infrastructure projects. This role will continue into the future and will help to facilitate informed decision making. Local to the Peninsula, the potential expansion of port activities at Hastings, Western Port Bay, is an important example of this.

Population growth and urban sprawl

Changes to land-use are creating environmental challenges at the local level. For instance, impacts from spray drift, farming of lands with acid sulphate soils in coastal regions and 'right to farm' affirming existing farming practices, at the interface with new developments.

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

There are a number of areas of the EPA which are working well and which we would want to preserve into the future, including:

Environmental expertise

We value the environmental scientific expertise of EPA staff, and the clear identification of subject area experts. We think it is critical that the EPA continue to invest in its human resources capacity and continue to build and retain technical expertise. The EPA should invest in having the best experts, and provide appropriate incentive packages for them to stay.

As examples of excellence within the EPA, we would like to highlight the work of the following EPA officers:

- [REDACTED] (Noise Specialist) has been generous in sharing his environmental expertise and assisted our Council in resolving numerous cases. He has worked closely with our Council officers to help build local environmental health expertise, within Council.
- [REDACTED] has built a strong relationship with our Environmental Health team and given his support for many collaborative projects.
- [REDACTED] has provided his tireless advice to us about the application process for further developing the Rye landfill.

Environmental auditing – 3rd party compliance

The EPA is responsible for accrediting independent environmental auditors (e.g. auditing for contaminated land, industrial facilities and natural resources); this works well and we think there is merit in expanding this arrangement to include other environmental sectors. We think it would be of value for the EPA to also oversee the accreditation of auditors in the

specific area of landfill gas management and for other emerging environmental issues, such as carbon neutrality.

Independence

We would like to preserve the level of independence the EPA has from government. It's important to safeguard the ability of the EPA to function effectively in its regulatory capacity.

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

Fostering innovative collaborations

Good partnerships deliver mutual benefits; the EPA needs to identify its key environmental roles and deliverables, and to empower other agencies to meaningfully collaborate on joint projects. We would like to see the EPA facilitate and co-ordinate joint projects involving diverse industries and agencies, including work with MAV and waste management groups in the areas of environmental compliance for former landfill sites, and product stewardship. There are many opportunities to more fully explore and capture the mutual benefits of collaboration. We also think there is much to be gained through innovative partnerships with industry that aren't direct polluters but have a strong influence over the environment e.g. the finance and accounting sector. EPA used to collaborate in these sectors through initiatives such as the United Nations Environment Programme Finance Initiative and working with the Chartered Practising Accountants professional body. This type of activity should be reinvigorated.

Intergovernmental overlap

It's important that the key environmental roles and deliverables of the EPA are clearly identified and communicated to stakeholders, to avoid intergovernmental overlap and confusion. For instance, the roles of agencies involved in regulating the recycled water roll-out (such as the EPA and retail water authorities) needs to be better clarified.

Both the EPA and the Department of Health have a mandate to protect health, however in addressing some complex environmental issues it is unclear where their roles divide. For instance, in the area of air pollution from domestic wood heaters, the respective roles of the Department of Health and EPA need to be clarified and departmental communication strengthened. Also, in addressing the impacts of new and emerging technologies (e.g. Wi-Fi); greater clarification of roles would enable the agencies to better collaborate at the local level.

Creating greater accessibility to local government

At times, it can be challenging to access the expertise of EPA officers, due to the limited availability of staff. The model of having a key client relationship manager worked well in the past but is no longer operational. We find that EPA experts often have limited time that they are able to give to issues of concern to local government, and that other less qualified staff are reluctant to give advice in many of the more technical scientific areas, for instance, in the areas of landfill gas management. In effect, this means long wait period, as we are often reliant on advice from these subject area experts. This problem is compounded by call centre arrangements – as the call centre does not give out the direct numbers of EPA staff members it can be frustrating and difficult to make contact with the right person, who is able

to assist. The limited accessibility of EPA experts imposes significant costs upon local government as often the only alternative is to pay for advice from environmental consultants.

Better policy

There are opportunities for improved relationship and interaction with local government, through facilitating a mutual understanding of the resourcing levels and the policy direction of both parties. We highly value the clear communication of priorities, guidelines and expert guidance on the management of environmental assets, and would welcome more enforceable policy at the local level. Often we find that the “catch-all conditions” given by EPA in guidance documents are not enforceable at the local laws level. For example:

- We would welcome improved understanding within the EPA of local government planning schemes and clearer guidance on “what we can and can’t ask for” in planning permits. One local example, is difficulties regulating the environmental impacts from the Rosebud West Industrial Estate, which neighbours the environmentally significant Tootgarroot Wetlands.
- We would welcome more enforceable compliance policy tools in this area of noise pollution
- We highly value consistent and well informed advice that considers the local context. One example of where this could have been improved, was in the management of introduced soil with elevated levels of arsenic at a Citation Reserve, Mount Martha. The original advice was provided without consideration of the local context (i.e. that there are naturally occurring, elevated levels of arsenic in Peninsula soils), and this advice resulted in significant costs for Council.

4. How can the EPA’s role in safeguarding the community against the health impacts of pollution be clarified or strengthened?

Broadening the focus of the EPA

To assist in more efficient and effective delivery of the objectives of the State Government’s environment portfolio, Mornington Peninsula Shire recommends that Sustainability Victoria be consolidated into the EPA. The EPA because of their extensive links with industry are best placed to protect the environment, and to foster significant and meaningful change across diverse sectors of industry. The Shire acknowledges the valuable work undertaken by Sustainability Victoria particularly around community behaviour change and it would be critical to ensure that these programs continue. A combined organisation would see our regulator empowered with a carrot and stick approach. In addition, we would support the policy function of Department of Environment, Land, Water & Planning (DELWP) that relates to the EPA’s work, being placed back with the EPA. We believe this would result in the development of more realistic and effective policy.

Building a stronger research focus

There are opportunities for developing a stronger research focus within the EPA, especially with regard to understanding environmental impacts in local environments. One area of research particularly relevant to the Mornington Peninsula is land management practices for

acid sulphate soils, in coastal regions. This could be facilitated through partnerships with local universities as well as with interstate and international regulatory agencies. The Risk Assessment Framework for Stormwater Pollution is an example of where the EPA has successfully worked with other regulatory authorities to develop high quality materials, relevant to local conditions.

Increased profile

We think it would be beneficial for the EPA to invest in lifting its profile to help the community better understand the services it provides. In particular, to highlight its role in incident response and management. For instance, the EPA could have a greater presence through co-branding of material communicating local issues, such as beach closures.

Project design

Where projects are delivered by the appropriate agency with defined resources and set up to deliver specific outcomes, they are most likely to be successful. The EPA has a role in supporting other organisations to lead works specific to their area, improving expertise and using local knowledge. An example of where this worked well, was the MAV facilitating the development of Local Government Wastewater Management Plans.

Address compliance gaps

There are significant gaps in the regulation of medium size industrial premises; in a number of cases local government does not have the authority or knowledge to intervene, yet EPA does not licence or manage these premises. There are a number of local examples of regulatory gaps, including:

- Impacts from industrial estates on the surrounding environment, including the Rosebud West Industrial estate and the impact on Tootgarook Wetlands, and the impact of Hastings Industrial estate on Kings Creek.
- Responsibility for monitoring and checking of compliance to State Environment Planning Policy (SEPP) noise guidelines.
- Greater clarity is needed around the regulation and follow-up of complaints of aircraft noise from small airfields.
- Issue of permits for land use with adverse amenity potential. Council does not have the resources to measure if ongoing uses are compliant with noise, dust and odour regulations.

We recommend the development of Council's local laws staff to become authorised officers. This would need to be supported by sound EPA training and regulatory standards, including benchmarking, and a mechanism for cross checking standards across Councils.

5. How could statutory frameworks more effectively prevent future environmental risks and land use conflicts?

The Shire supports greater involvement of the EPA in sensitive land use issues, such as in the introduction of new facilities near existing amenities. For example, we would like to see

increased EPA involvement in planning controls regarding broiler farms and separation distances. Also, we would like to see greater EPA involvement in the area of 'existing use rights' and where there are changes within an existing amenity; such as changes to the location of building structures on an existing broiler farm, and the impact on buffer zones.

6. *What role should the EPA play in emergency management?*

The EPA has a key role to play in Emergency Management across a range of prevention/mitigation, response and relief/recovery activities; including as the control agency for the pollution of inland waters and as a key support agency for a number of emergencies such as pollution arising from hazardous materials, dangerous goods, and marine pollution oil spills. They are also a key support service for environmental impact assessment and in relief and recovery activities as seen more recently at the Hazelwood Coal Mine Fire in 2014. However, the EPA has not had considerable involvement in either Municipal or Regional (in the Southern Metro context) Emergency Management Planning. Given their considerable responsibilities as per the Emergency Management Manual Victoria this is problematic as Regional and Municipal Emergency Management Planning Committees require the appropriate representation and 'buy in' from agencies to ensure effective emergency management plans. Furthermore EPA are considered subject matter experts in many areas that relates to emergency incidents and not having their expertise in various committee structures make it difficult for committees to make good decisions and plan for appropriate risk mitigation without their input.

The EPA should commit to greater resourcing of their emergency management, planning and investigation function. In particular, emergency response co-ordination for unusual/unique events requires further attention. For instance, when the Lady Cheryl trawler sank in Port Philip bay, releasing 30,000 Litres of hydrocarbons in December 2012, there was confusion as to EPA management protocols, and advice on key risks.

7. *How can the EPA better identify, and, where necessary, address problems that are the results of past activity?*

We would support the development of an EPA administered, comprehensive Central registry/GIS layer with contaminated land information, for broad local government use. Also, the local government planning function would benefit from earlier involvement and advice from EPA regarding prior use of sites, development on contaminated land sites, standards for remediation and ongoing testing of sites. Furthermore, we would like to see random compliance checking for development on contaminated sites, to be systematically undertaken and recorded with a clear framework of responsibility.

8. *What role should the EPA have in reducing greenhouse gas emissions?*

Filling regulatory gaps

The EPA has a key role in reducing greenhouse gas emissions across Victoria. However, we think that there are significant regulatory gaps in this space, impacting upon the effectiveness of measures to reduce greenhouse gas emissions overall. We see value in the regulatory powers of the EPA being expanded, with regard to emissions from enterprises with significant greenhouse gas emissions. We would like to see greater enforcement of pollution controls for large and medium sized enterprises who are high energy/ water users.

Also, we would like to see greater controls around greenhouse gas emissions for new facilities, as part of the licence approval process.

Thank you for the opportunity to provide commentary on the review. Should any further information be required, please contact [REDACTED]

Yours Sincerely

[REDACTED]

Councillor Bev Colomb
Mayor - Mornington Peninsula Shire