

## **Yarra Ranges Council**

Dear members of the Ministerial Advisory Committee

Thank you for the opportunity to make a submission to the Inquiry into the EPA on behalf of Yarra Ranges Council

I personally attended the Local Government Forum held on the 19 August 2015 and had the opportunity to provide comment which has been very well captured in the 'event summary'

Further to what was tabled that day I have asked around the organisation for further comment. Please accept the following posts as comment to the Inquiry.

### Council managed Landfill

The Yarra Ranges Council has been working with the EPA at a detailed level on the capping of our two licenced landfill sites at Coldstream & Healesville for approximately the last 6 years. Although the relationship has generally progressed towards a sound completion of the project (now expected in December 2016), two key issues have significantly undermined the project and financial planning of these works. Across the life of these two projects Council has experienced significant delays and additional cost caused by inconsistent standards being required of the design and delivery methods. Conflicting advice and direction has been given by consecutive staff requiring rework of designs and revisiting of works duplicating or exasperating costs a significant number of times in the life of the contracts.

Additionally long delays associated with receiving approvals or comment from the EPA on proposals, has also extended the contamination risk to do with apparently urgent issues. Although staff turnover does seem to be a significant issue associated with both these issues, the causal factor appears to be a system breakdown not recording and honouring agreements in the history of the projects.

Further, the Council on behalf of the community has an expectation that levies collected on behalf of the EPA are invested into regional or local sustainable resource recovery projects.

### Noise

Yarra Ranges is a Metro Council , however most of its land area is covered by townships in rural and bushland areas. This means we have a diverse range of noise issues from farms, commercial /industrial areas, entertainment venues, and residential areas. Councils find when trying to resolve these issues the legislation is neither empowering or enabling . Council Officers authorised under the EPAct have restricted powers to effectively deal with these issues. Without the appropriate levels of authorisation and effective mechanisms to resolve these issues Officers are sometimes forced to use other legislation, like the Public Health and Wellbeing Act 2008 and local laws. Further, there is sometimes technical expertise available within the EPA with recent signs of these resources and 'go to' people within the EPA

becoming more difficult to find. Officers also find that advice that is given can be inconsistent, be conflicting with previous advice or misinformed.

There is lack of ownership and compulsion to deal with issues that can only be acted on by Authorised EPA Officers. Our experience is that it is near impossible to have an EPA Officer come out to Yarra Ranges to investigate a matter where they have powers to Act and where Council Officers haven't. This is frustrating when Council receives and is compelled to manage the complainants expectations.

### Wastewater

Despite Councils having to develop wastewater management plans , the EPA as the regulator, has not developed a State Plan for managing septic tanks that will not be replaced by a sewerage solution.

This Council has made previous submissions to check the progress of the *On-site Domestic Wastewater Management Policy and Regulatory Review Project* without any commitment to complete the project. Regulatory reform in this area would enable Councils to manage ageing septic systems into the future .

At a more specific level when our Officers have sought advice and or assistance from the EPA over larger development in unsewered areas, the EPA is inclined to be influenced more by the developer and not willing to stand by its own Codes of Practices and Standards. This is evidenced at the planning stage of developments where wastewater volume values are interpreted in different ways to suit applicants by their consultants . This normally involves keeping the total volume below 5000L/day requiring the Council manage the septic tank application. For example a consultant uses the 10L/person water loading referred to as 'bar meals' to significantly reduce the wastewater volume projection when it should be more like 30L/person/day .

Generally, the EPA Code of Practice for domestic on-site wastewater management 891.3 uses unrealistic wastewater volume values, dispersal rates and set back distances which in turn create impractical wastewater envelope sizes. Our experience is that Land Capability Assessors and EHO's are forced to either "adjust" environmental factors or disregard the code in order to provide practical solutions for developments.

Land Capability Assessors are not regulated. This allows them to state whatever they like within reports with impunity. Legitimate assessors are priced out of the industry by disreputable operators who do not undertake expensive lab work or often even rudimentary field science. This arrangement devalues the entire industry and erodes professionalism.

The mechanisation of the wastewater treatment industry has resulted in a greater range of options for consumers . Unfortunately, the advancement of the technology has not been matched with effective regulation of the treatment plant manufacturers and the performance of their systems. There is an assumption that the industry will manage the ongoing maintenance of the aerated treatment systems via a quarterly

maintenance schedule. This system favours servicing agents and is of little value to the home or business owner where the effluent disposal areas are not inspected and effluent quality is not tested. Instead, expensive electrical components and pumps (which break with alarming regularity) are constantly replaced because the homeowner hadn't cleaned a filter or used the wrong cleaning product. Councils are expected to receive and act on the results from servicing reports. However, in reality Council has no capacity to administer such a system.

Should you require any additional information please contact me directly.

Regards



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**Executive Officer Health and Local Laws**

