

EPA Approvals Review – Draft Report

comments from

SITA Australia

Our details

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Confidential:	Yes No

Our comments

A new risk-based assessment system (Chapter 4 of Draft Report)

- A. EPA will use a risk-based selection tool to determine the level of assessment required for each development proposal.

SITA Australia (SITA) supports the use of a risk-based assessment pathway selection tool based on the risk to the environment and the impact on community. In particular, a system that clearly identifies and streamlines the project's regulatory process. Distinctly defined classifications and relevant criteria will reduce planning and financial impacts for the applicant and provide better investment security.

To ensure a successful process, EPA needs to clearly define the term “*Best Practice*” relevant to each project, including providing advice to applicants as to whether any reference to other documents such as the *Environment Protection Act 1970*, SEPPs or guidelines should be considered. This will reduce the impact of time-consuming meetings, back and forth correspondence and teleconferences during the pre-application process.

In addition, SITA considers that the ability for an applicant to demonstrate compliance should also be assessed within the ‘risk to the environment’ criteria.

Streamlined and efficient (Chapter 5 of Draft Report)

B. EPA will consistently, confidently and efficiently apply exemptions where allowed under the EP Act. The exemption pathway will have a four week turn-around, from submission of a proposal to a response in writing from EPA notifying the applicant of the decision.

Any opportunity for EPA to improve turn-around times within the application process is supported by SITA.

In this category, SITA seeks EPA's consideration of the exemption of operational process trials designed to reduce and improve environmental outcomes. SITA's recent trial and ultimate introduction of the odour curtain at the Hampton Park Resource Recovery Precinct is a case in point. The process was sourced and implemented by SITA in response to odour being experienced by facility neighbours and provided works above and beyond '*Best Practice*'.

The requirement to undertake a Works Approval process and pay a fee to develop and introduce better environmental performance deters improvements.

In addition, SITA considers that the ability for an applicant seeking an exemption should also be assessed within the 'risk to the environment' criteria.

C. EPA will introduce a new fast track works approval pathway for low-risk proposals.

Again, SITA supports the opportunity to improve turn-around times within the application process. EPA could consider making greater use of its Licence Amendment powers for works which do not add to the scope of an operation but rather are ancillary and supportive to the primary function.

D. EPA will reduce pre-application timeframes for standard works approvals and RD&D approvals.

The introduction of a risk-based assessment pathway selection tool based on published selection criteria and managed within a defined time-frame is supported by SITA. It is this element of the works approvals process that has proven to be one of the most challenging in the past. Lack of clarity at the commencement of the process regarding evidentiary requirements to support the application combined with the conflicting requirements of changing EPA staff greatly impacts the continuity and shared understanding of the project.

The proposal to assign an EPA assessment officer is supported, although SITA recommends that the allocated officer have adequate technical experience and a thorough working knowledge of all relevant statutory legislation and guidelines relevant to the works approval application.

E. In response to an excessive number of section 30A emergency approval applications related to increased variability in rainfall patterns, EPA proposes to amend certain licences – relating to sewage treatment (A03) and extractive industry and mining (C01) scheduled premises – to allow discharges under restricted conditions, and to require these discharges to be reported in the licensee’s annual performance statement (APS). Emergency approvals will still be required outside of the restricted conditions, including for major upset conditions and unforeseen events.

No comments

F. EPA will seek to improve the coordination of approvals by working with other agencies.

This proposal is supported by SITA, although consideration of the coordination of the statutory requirements is necessary to ensure the outcome of an improved process. As well as coordination of the timing, advertising and community engagement activities, consideration needs to be given to elements of each piece of legislation (planning and environment) that can over-ride each other. An example being SITA’s Planning Amendment and Works Approval applications for the Soil Processing Facility at the Taylors Road Landfill. The legislative process for the planning amendment application vetoed the community’s ability to object to the works approval application. This situation contributed greatly to the community’s angst regarding the facility.

In addition to other agencies, SITA recommends EPA review its communication with the community. Timing of information delivery, information content provided to the community and opportunities for community input all need to be considered. Educating the community in the reformed process and its operation will be required at the completion of the review.

Effective at protecting the environment (Chapter 6)

G. EPA will become more effective at protecting and enhancing the environment.

All the proposals offered by EPA in this Chapter are supported by SITA.

Improving EPA’s guidance materials

Publications that provide clear, transparent guidance to the pre-application and application process relevant to each type of approval will greatly contribute to the transformation of the service. It is also important for the reviews of guidance materials to occur on a regular basis with stakeholder involvement and improved review timeframes. An example is the current EPA Publication 508, which commenced review over two years ago.

Improving EPA’s expertise

As referred to earlier, EPA officers with the necessary technical and regulatory expertise who are consistently available throughout the pre-application and application processes provide applicants with planning and financial security. A great deal of time will be saved if there is a clear understanding of what is required and when.

- H. EPA will introduce a systematic process to periodically review standard conditions and EPA licences.

Contemporary issues and environmental practices demand periodic reviews of licences and conditions. A systematic process reviewing all licence conditions will provide greater planning surety for the operator and increased surety for the community that the facility is being operated to “*Best Practice*” standards.

- I. EPA will work with business, community and government stakeholders to develop an alternative program to allow for recognition of excellence in environmental performance across all EPA licensed sites.

EPA is promoted and recognised as the agency that defines ‘*Best Practice*’ environmental management and enforces compliance of the state’s environment protection policies and guidelines according to those standards.

While the government and community focus has traditionally been placed on those industries or organisations that do not comply, no recognition has been offered to those who invest the skills and finance to comply or exceed compliance. Recognition of such achievements will not only add a level of value to the company, it will offer balance in the education of the community in environmental management processes.

Transparent, consistent and accountable (chapter 7)

- J. EPA will increase the transparency and accountability of its approvals system.

Improved transparency, consistency and accountability of the EPA approvals system completes the reformation process proposed. In addition to the risk-based assessment pathway selection tool, improved document publication and officer training, public access to all information relevant to the process and the specific application is necessary.

The majority of applications to EPA for works approvals or long-route licences require a high level of community engagement. The inability for the community to easily access relevant information can frustrate the process. Transparent web-based tracking of the application will allow the community to review the process, the relevant information and respond accordingly.

Consistent information published in an accountable mandate will also allow applicants to research past projects and access lessons learned, thereby contributing to the improvement of the application process.

Inclusive and Accessible (chapter 8)

- K. EPA will seek opportunities for improved interaction between the community and industry.

The early engagement and interaction with a potentially affected community is strongly supported by SITA. Past experience has identified that the open, accountable provision of information to, and involvement of, the community at the earliest possible stage of any proposed works is necessary. To respond to this requirement, SITA has developed a range of community engagement programs, such as the SITA Environmental Report Hotline and Community Reference Groups, which are conducted consistently to ensure a constant flow of two-way communication.

Early advice in an application process, preferably at pre-application stage, together with easily accessed web-based application guidelines, associated documentation and process tracking information is a requirement in the successful implementation of a reformed EPA approvals process.

Further comments and suggestions

SITA Australia supports the approach proposed by EPA to reform its approvals system to better protect, care for and improve Victoria's environment.