

**INQUIRY INTO PERFORMANCE OF THE NSW  
ENVIRONMENT PROTECTION AUTHORITY**

**Organisation:** Hunter Councils

**Date received:** 29/08/2014

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29 August 2014

The Director  
General Purpose Standing Committee No. 5  
Parliament House  
Macquarie St  
Sydney NSW 2000

### **Response to the Legislative Council Inquiry into the performance of the NSW Environmental Protection Authority**

Hunter Councils has collated comments from a number of member councils in response to the EPA's request for feedback on its performance.

#### **Specific Feedback on the review questions regarding specific cases under inquiry:**

##### *EPA investigations and public statements about the effects of coal dust pollution in the Hunter*

There is significant, ongoing community concern regarding coal dust levels in the Hunter region. The Sydney Morning Herald recently reported that 23,000 school students from 60 Schools are within 500 metres of trains carrying uncovered loads of coal throughout the region daily. The issue regularly appears in the local papers as stories, editorials and letters to the editor, with recent coverage regarding the difficulty some residents are facing with voluntary participation in the home coal dust monitoring scheme.

A recent community survey of Singleton residents found that two thirds of surveyed residents said they were concerned about the environment, with the main concern identified as coal dust or air pollution from mining.

The EPA staff is perceived to have a lack of discernable public presence in the mining affected LGAs.

On the broader issue of air quality, a general lack of monitoring stations across the region was noted. Lake Macquarie City Council indicated that they have been lobbying, unsuccessfully, for several years for the EPA to install public air quality monitoring stations in their LGA.

## **General Comments on EPA performance in the Hunter Region**

### *General communications and liaison between EPA and Council staff*

Firstly it was noted that on many issues, EPA staff are very helpful to Councils, with specific note taken of the support from the Sydney office provided in the development of the Regional Waste Strategy (required under the Waste Less Recycle More initiative), and the creation of the Hunter / Central Coast Regional Illegal Dumping Squad. Greater visibility or “presence” of regional staff would be advantageous.

However a number of Councils noted that they would like to see a stronger “partnership approach” from the EPA in the region, with EPA staff working cooperatively with Councils to assist in reducing the chance of environmental incidents through provision of timely guidance and advice, rather than the EPA playing a purely “regulation” role which is activated after incidents occur.

A number of councils indicated the troubles they have in accessing technical guidance and advice as well as receiving timely response from EPA officers on issues and referrals.

### *Waste Management*

Councils raised concerns regarding conflicts between the EPA’s application and enforcement of the waste levy and the increased and more stringent controls on items that can now receive exemptions from the waste levy. The intent of the Waste Less Recycle More initiative is to divert waste from landfill and improve environmental protection, but recent changes to waste levy exemptions will, in the Hunter region, possibly lead to greater waste to landfill as:

- there are currently no organics processing options in the region that meet the new standard which may reduce the ability for councils to have organic materials used or sold as a mulch product.
- The controls around reuse and recycling of road base and issues with operational stockpiles is driving the need for councils to deposit this material in landfill (and attract the levy) as opposed to beneficially reusing it in road construction and maintenance.

It appears that decisions on exemptions are too heavily linked to income generation (through the levy) than supporting and facilitating councils and regions to improve practices and processes.

Councils also noted the strict and resource intensive requirements to report through the s88 levy, Department of Local Government waste reports and now the Regional waste management plan reporting. It was requested that the EPA undertake a review process to align the various reporting requirements in an attempt to reduce reporting burdens and streamline council processes and EPA analysis processes.

Concern was further raised that any documents or analysis of data undertaken by the EPA usually utilises data 2-3 years old, despite the provision of up-to-date data. Councils would like to see more timely reporting from the EPA so they can utilise the information when developing operational plans and strategies.

### *Compliance Activities*

Councils noted that EPA officers appear to be more likely and willing to issue infringements to councils regarding landfill licence breaches, than they are to enforce compliance on industries such as resource extraction.

Although councils typically have little influence or regulatory responsibility, they will often be the primary point of contact for community complaints, and would therefore like to be kept aware of EPA compliance activities occurring in the LGAs.

With specific regard to the resource extraction industry, it was suggested that EPA staff should be carrying out more consistent and extensive monitoring and compliance activities to match the regulatory responsibilities of the Agency.

#### Confusion with Government Departments

Councils believe that there is some confusion in the Upper Hunter community regarding the roles of the EPA and Department of Planning, and would like to see consent authorities work more closely together to ensure consistency in the application of development consent conditions both within each LGA and across the broader region.

#### Guidance and Advice

As already mentioned, Councils would like EPA to take a larger role in providing advice and guidance to councils on matters relating to environmental management and compliance. Specific mention was made to the recent upgrades to the Noise Guidelines, which do not contain enough detail for some council officers to confidently know how to apply them (e.g. as they relate to bird scaring devices, etc.). Councils would like to see the creation of guidance resources that are released prior to, or in association with new regulations to ensure council officers can appropriately monitor and enforce council's legislative responsibilities.

Similarly, the controls and requirements for councils to meet the Underground Petrol Storage Systems regulations are extensive and onerous and provide little in the way of practical advice. Many councils in the region are now responsible for managing systems and impacts from activities not under their control which has added a significant level of work and cost to council operations that was unable to be planned for prior to the changes to the regulations.

Councils would appreciate greater consultation prior to further imposition of responsibilities through changes in legislation, regulations or guidelines.

Please note the individual councils within the Hunter may lodge their own submissions to this Inquiry.

Yours sincerely

Roger Stephan  
CEO