

Enquiries: [REDACTED]
Phone: [REDACTED]

Yarra Ranges Council
PO Box 105
Lilydale Vic 3140
DX 34051

Call 1300 368 333
Fax 03 9735 4249

mail@yarraranges.vic.gov.au
www.yarraranges.vic.gov.au



14 December 2015

Scheduled Premises Regulations Review
c/o- Policy and Regulation Unit, EPA Victoria
GPO Box 4395
MELBOURNE VIC 3001

Dear Sir/Madam,

Scheduled Premises Regulation Review

Thank you for your invitation to contribute to the review of the Scheduled Premises Regulations. Yarra Ranges Council welcomes the opportunity to contribute its views.

There are three relevant emissions-generating activity trends in Yarra Ranges which are related to this review – the move away from larger single industrial operations to larger numbers of smaller operators, on-farm rural processing, including related uses such as transport, and intensive agriculture.

Industrial activity in Yarra Ranges comprises mostly smaller operations on small lots. While there are larger operations in the Kilsyth area, the longer-term trend is for operations of this scale to seek locations in the north and west of the metropolitan area, which have more suitable land with better transport connections. The trend is toward a larger number of smaller industrial operations.

The trend toward smaller industrial operators could cause problems for emissions management. Smaller operations may be below a trigger threshold for particular monitoring/regulatory requirements, but such operations may also lack the resources and expertise to regulate their own emissions properly. The sum total of such operations could result in a 'hidden' cumulative impact. A typical industrial estate/subdivision may generate cumulative emissions sufficient for EPA attention, but the separate component businesses may each be below a threshold trigger for formal involvement.

On-farm rural processing has been a land use issue for some time. Some operations in rural areas are not actually agricultural processing, but related uses such as transport depots. Any contaminants or emissions from such operations have potential to contaminate agricultural land. Some of these operations have grown from small beginnings to become quite large industrial operations. This incremental process of enlargement poses questions of

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trigger thresholds for EPA involvement. As with industrial estates comprising a large number of small businesses, there is the question of cumulative impact – will a planning permit application for a small extension to an existing operation tip it over the trigger threshold for EPA approval?

A third issue of concern is intensive agriculture, particularly intensive animal husbandry. Although not an unfamiliar issue, such operations will continue to need high-level regulatory regimes. The recent compliance dispute over a piggery in Wandin, and the ambiguity of the formal planning scheme definition of such an operation, shows the difficulty in determining the regulatory status of many forms of intensive agriculture.

These issues highlight a need for a responsive EPA regulatory regime. Scheduled Premises regulations need to recognise and provide for cumulative impacts of smaller operations, and to respond appropriately to incremental growth of existing operations. Regulations and associated fees need to be appropriately scaled to accommodate these different scales of operation. A tiered system as proposed in 5.1 of the discussion paper seems to be an appropriate response to managing potential ‘under the radar’ smaller operations.

The discussion paper notes the long-term reduction in the number of EPA licenses, due in part to other regulatory developments such as the Victoria Planning Provisions. It would be a mistake to regard the VPP and planning controls in general as substitutes for emissions regulations, and it would be of concern if the current EPA review were to result in a transfer of regulatory burden to local government. Apart from the impact on basic resourcing, such as staff and time, local governments do not have the level of specialist knowledge and understanding of these subjects that EPA has.

Any changes to the EPA’s regulatory role have the potential to impact on Council’s roles in health, waste management and planning. These responsibilities involve a range of regulatory regimes under different legislation. Any overlap has the potential for mutual disadvantage – inconsistent regulatory regimes should not be allowed to compromise each other. It is important that clear relationships between EPA’s responsibilities and those of local government be maintained. Where EPA has a defined role, any council regulatory decision should seek to reference EPA requirements rather than attempt to superimpose its own.

If you have any further correspondence on this matter, please contact me on [REDACTED].

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Yours sincerely

