



1 November 2019

Tim Eaton
Director of Policy and Regulation



Dear Tim

Environment Protection Act 2018 | Environment Protection Regulations and Environment Reference Standards

The Victorian division of the Urban Development Institute of Australia (UDIA Victoria) is a non-profit advocacy, research and educational organisation supported by a membership of land use and residential property development organisations, across the private sector and Victoria's public service.

UDIA Victoria welcomes the opportunity to comment on the proposed Environment Protection Regulations and Environment Reference Standards associated with the Environment Protection Act 2018, which will come into effect on 1 July 2020.

The property development industry is dependent on the civil construction, building and demolition industry for delivery of its projects; matters affecting operational requirements of the latter will likely impact developers. In this respect, UDIA Victoria also holds concerns raised in the Civil Contractors Federation submission to this process, specifically:

- Clear definitions are required for "notifiable incident", "harm", and "material harm";
- Noise and odours arising from construction and demolition activity at residential premises, parks and roadways should be afforded the same exclusions as activity at industrial, commercial and trade premises,
- Review and refinement of the permissions process on development construction activity including the generation, transporting and disposal of waste should be undertaken to ensure undue impacts on industry are prevented,
- The new waste classification system for contaminated soils, and the, should be reviewed for the administrative burden and associated costs (both in time and direct cost) associated with managing on site activity and disposal.

The classification and management of Contaminated soil is of a particular concern, and we raise the following questions:

- The newly created Category D soil contamination classification elevates some fill materials from industrial waste to the reportable priority waste category. Has consideration been given

to the impact of the waste code system on the development industry compared to the extent of risk associated with activity to date?

- Which landfills will be capable of accepting the different classifications of contaminated soil?
- Can category D soil be moved between property boundaries without attracting additional transporting requirements? We note that much development activity extends across property and parcel boundaries, particularly in greenfield development settings. We recommend that a broad approach is taken with respect to the definition of site areas, and suggest that a precinct structure plan boundary may be an appropriate definition.
- Under the General Environmental Duty (GED), what is the need to conduct further investigations if preliminary Phase 1 environmental site assessments have identified a site as low risk? What will this mean for precinct structure planning activities? Is the mandatory reporting requirement a disincentive to undertake further investigations?
- What are the timelines for permit approvals? How will matters be triaged so as to ensure low risk matters can be processed without undue delay?

We reiterate our previous request for industry guidance specific to the development industry. Noting the extent and density of the material exhibited for consultation, and the lack of specific reference to development activity in the Regulatory Impact Assessment, we consider the preparation of guidance essential to ensure that the property development industry fully understands the impacts of the changes on their business.

Noting the relationship with the civil contracting and building industries, there is an opportunity to expand the industry specific guidance currently in development for the civil construction, building and demolition industry (ref 480.2), to include consideration of further matters impacting the development industry rather than providing separate guidance. This should extend from managing their general environmental duty during pre-planning and due diligence activities through to on-site construction activity undertaken by their contractors, through to impacts/potential changes to the strategic and statutory planning processes currently guided by Victoria's planning system.

To arrange a meeting to discuss the matters raised in this submission, please contact Kate Weatherley, Senior Policy Advisor at kate@udiavic.com.au.

Yours sincerely

Danni Hunter

Chief Executive Officer

Urban Development Institute Australia (Victoria)

Level 4, 437 St Kilda Road, Melbourne, 3004

P. 03 9832 9600

E. danni@udiavic.com.au

W. www.udiavic.com.au

Encl.