

# Statement of Expectations 2023-24

## Environment Protection Authority

### Overview

This Statement of Expectations (the Statement) is jointly agreed by the Environment Protection Authority ('the Authority') and the Head of Access Canberra.

The Statement establishes priorities for the Environment Protection Authority (the Authority) in administering the *Environment Protection Act 1997* (the EP Act). The Authority is also responsible for regulating certain provisions of the *Water Resources Act 2007* (the WR Act). These form the scope of this Statement and are referred to collectively here as the EP legislation.

The Authority sits within Access Canberra, part of the Chief Minister, Treasury and Economic Development Directorate of the ACT Government, while its policy and regulatory frameworks are developed by the Environment, Planning and Sustainable Development Directorate (EPSDD).

Through the EP legislation, the ACT Government provides a clear obligation on the Authority to protect and enhance the quality of the environment and human health, and to support the management of a sustainable, safe and liveable city and Territory.

### Foundational Objects and principles

The Authority's role is to protect the environment and human health from harm as outlined in the objects and principles detailed within the EP legislation. In delivering on the objects of EP legislation, the Authority will balance environmental, economic and social considerations in:

- > Requiring *polluters* to:
  - Make progressive environmental improvements;
  - Monitor and report on environmental quality;
  - Ensure that contaminated land is managed to prevent harm; and
  - Investigate and remediate processes which cause or are likely to cause harm.
- > Ensuring that *water resources*:
  - Sustain the physical, economic and social wellbeing of the people of the ACT;
  - Protect the ecosystems and aquifers, and where possible, reverse damage that has been done;
  - Can meet the needs of future generations; and
  - Are managed in a manner which enables the ACT to meet state and federal obligations.

The EPA Authority will have regard to:

- > The principle of shared responsibility for the environment by balancing environmental, economic and social priorities and the need for public education and involvement in decision making;
- > The precautionary principle by acting to prevent serious or irreversible environmental damage even when there is a lack of scientific certainty;

- > The *inter-generational equity principle* by striving for environmental values in the ACT to be maintained or enhanced for future generations;
- > The *waste minimisation principle* in collaboration with ACT NoWaste to control, minimise and where possible, eliminate harm to the environment related to waste; and
- > The *polluter pays principle* so that polluters bear the appropriate share of the costs that arise from their activities, in the challenging context of an increasingly compact city facing significant population growth.

## Strategic Directions

The Authority will deliver a Strategic Environment Protection Framework, including action on the following identified priorities:

- > **Protect the community and environment** from new and emerging pollutants by:
  - Testing community appetite for stronger controls where there are scientific uncertainties;
  - Considering going beyond national standards where feasible; and
  - Requiring applicants for environmental authorisations to demonstrate consideration of less polluting alternatives.
- > **Strengthen regulatory controls** by identifying and resolving gaps in regulatory controls which result in impacts from unregulated pollution sources by:
  - Establishing options for regulating more dispersed pollution sources; and
  - Implementing proactive programs to inspect and improve practices in activities without environmental authorisations.
- > **Improve the licensing and compliance framework** to better address risks of environmental harm by:
  - Reviewing offences to ensure that penalties are proportionate to expectations;
  - Enhancing prevention and enforcement options; and
  - Develop soil and water protection training for construction and other industries.
- > **Contemporise environmental standards** to ensure they protect vulnerable people and environmental features by:
  - Aligning environmental controls with new ACT rights to a healthy environment;
  - Adjusting noise triggers and standards for entertainment precincts to protect acoustic amenity while supporting night-time economy initiatives; and
  - Enhancing processes for responding to complex complaints.
- > **Meet community expectations** in applying the EP Act's statutory objects and principles by:
  - Supporting sustainable housing growth and choice;
  - Recognising the importance of First Nations cultural values in protecting the environment;
  - Modernising governance arrangements for environment protection legislation;
  - Improving reporting of outcomes from the environment protection and water resources frameworks; and
  - Exploring options to increase the transparency for EPA endorsed environmental management plans and monitoring results.

- > **Meet new and emerging environmental challenges** associated with a growing population and city by:
  - Exploring innovative solutions where pollution sources are close to sensitive receivers such as residential dwellings in mixed-use areas, or development with a risk of sedimentation near wetlands;
  - Preventing and minimising land use conflicts with potential to cause harm;
  - Ensuring environment protection is planned and designed into proposed developments at the earliest stage;
  - Developing capacity to provide risk-based and empirical advice;
  - Streamlining agency interactions to support timely decisions; and
  - Reporting on outcomes from preventative activities.

## General approach

The Authority will operate as an informed, respectful and responsive independent statutory authority. It will make risk-based and data-informed decisions while taking account of environmental, economic and social considerations.

The Authority will also be guided by the [Environment Protection Compliance Framework, Access Canberra Accountability Commitment and Strategic Plan](#) as well as the [Model Litigant Guidelines](#).

The Authority will engage with and educate stakeholders, particularly those whose actions have the potential to cause environmental harm, but also those impacted by those actions. It will seek and apply independent expertise to support balanced decision-making in administering the EP legislation.

The Authority will also consider and respond to areas of focus identified in reports by the Commissioner for Sustainability and the Environment.

## Environmental Policy

The Authority will collaborate with EPSDD in policy development, including with the Environment Protection Policy unit to maintain clear policy positions on activities regulated through the EP Act. It will collaborate with the Office of Water to maintain clear policy positions on water resources regulation activities, including those within the WR Act, and environment protection matters focused on water.

## Reporting framework

Annual reporting will show how the Authority has delivered its statutory functions and met government and community expectations. Reporting will encompass:

- > Administration of:
  - environmental authorisations;
  - environmental agreements;
  - Water Access Entitlements and Licenses; and
  - Metering of water use.
- > Requirements and compliance with:
  - erosion and sediment control plans;
  - contaminated site management;

- controlled waste movements;
  - regulation of water use and protection of environmental flows; and
  - otherwise enforcing actions to prevent environmental harm.
- > Reviews of planning referrals.
  - > Responses to issues raised in line with the Access Canberra Accountability Framework.
  - > Delivery of national and Australian Government commitments under Commonwealth legislation and international law.
  - > Delivery of actions from the Strategic Environment Protection Framework.
  - > Education and engagement activities.