

Review of the Protection of the Environment Operations Act 1997

Questionnaire

This questionnaire has been developed to assist the EPA and the Lgov NSW to assess the effectiveness of the Protection of the Environment Operations Act.

The results will be a key component in the Review of the Protection of the Environment Operations (POEO) Act by the Minister for the Environment. The results will be included in a discussion paper, which will be circulated to all councils prior to further consultation sessions in 2003.

The survey should be completed by the Director of Environmental Services or a member of Council's Executive who has responsibility for environmental management in the local government area.

Information supplied by Council will remain confidential. Summaries of the data will not allow individual Councils to be identified.

Please complete the questions below by ticking the appropriate response or entering information in the space provided. An electronic copy is available at www.epa.nsw.gov.au/consult. Please return to:

The POEO Review
PO Box A290,
South Sydney, NSW. 1232
or by e-mail to poeo@epa.nsw.gov.au by **21 February 2003**.

Please contact the EPA on 131 555 if you have any questions relating to this questionnaire or the POEO Review.

Thank you for your assistance.

Please complete your Council details:

Name of council: _____

Contact officer: _____

Contact telephone number: () _____

Council group: ₁ Sydney Metropolitan
 ₂ Greater Metropolitan (Hunter, Illawarra, Central Coast)
 ₃ Regional Centre
 ₄ Smaller Rural

Date: ____/____/____

General

1. What are the main activities within your local government area that have the potential to have an adverse effect on the local environment? Rate each of the following 1–5 with 1=great impact and 5=little impact. Please rating.

	Great Impact				Little Impact
a) Industrial activities	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
b) Building construction	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
c) Agriculture	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
d) Domestic (household) activities	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
e) Commercial (e.g. shops)	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
Others (please specify)					
f) _____	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
g) _____	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅

2. What approach has your council mostly taken to address these activities? Rate each of the following 1-5 with 1=use very often and 5=never use. Please rating.

	Use very often				Never use
a) Enforcement using legislation	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
b) Education and persuasion	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
c) Policy and planning instruments	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
d) Economic incentives (grants & rebates)	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
Others (please specify)					
e) _____	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅
f) _____	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄	<input type="checkbox"/> ₅

3. What are the 3 most significant environmental issues in your local government area? Please 3 issues.

- ₁ Water management (including pollution and flows) _____
- ₂ Air quality _____
- ₃ Soil contamination _____
- ₄ Groundwater _____
- ₅ Cultural heritage _____
- ₆ Biodiversity (including native vegetation) _____
- ₇ Salinity _____
- ₈ Greenhouse _____
- ₉ Others (please specify) _____

4. What are the 2 most significant pollution prevention / control issues faced by council? Please 2 issues.

- ₁ Air pollution (including odour) _____
- ₂ Water pollution _____
- ₃ Noise pollution _____
- ₄ Waste management _____
- ₅ Others (please specify) _____

Objectives of the POEO Act

Please read the following statements and rate each one by circling the appropriate response. 1=strongly disagree, 2=somewhat disagree, 3=agree and 4=strongly agree. Please add comments where prompted.

5. The POEO Act has given our council effective tools to manage the environmental issues highlighted in questions 3 & 4.

Strongly Disagree	Somewhat Disagree	Agree	Strongly Agree	Not Sure
1	2	3	4	5



- 5b. Please comment if rating 1 or 2.

6. The POEO Act has provided our council with the means to increase opportunities for the local community to be involved and participate in environment protection.

Strongly Disagree	Somewhat Disagree	Agree	Strongly Agree	Not Sure
1	2	3	4	5



- 6b. Please comment if rating 1 or 2.

7. The POEO Act has clarified the regulatory roles of the EPA and local government.

Strongly Disagree	Somewhat Disagree	Agree	Strongly Agree	Not Sure
1	2	3	4	5



- 7b. Please comment if rating 1 or 2.

8. The POEO Act has strengthened the regulatory framework for local government environment protection work.

Strongly Disagree	Somewhat Disagree	Agree	Strongly Agree	Not Sure
1	2	3	4	5



8b. Please comment if rating 1 or 2.

9. The POEO Act has helped to ensure that the community has access to relevant and meaningful information about pollution.

Strongly Disagree	Somewhat Disagree	Agree	Strongly Agree	Not Sure
1	2	3	4	5



9b. Please comment if rating 1 or 2.

10. The benefits achieved with the POEO Act outweigh the compliance and administrative costs associated with administering the Act.

Strongly Disagree	Somewhat Disagree	Agree	Strongly Agree	Not Sure
1	2	3	4	5



10b. Please comment if rating 1 or 2.

11. The POEO Act has set a regulatory framework that is flexible enough to accommodate changing circumstances.

Strongly Disagree	Somewhat Disagree	Agree	Strongly Agree	Not Sure
1	2	3	4	5

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11b. Please comment if rating 1 or 2.

Implementation of POEO

12. How many staff has your council appointed (and are currently employed) as authorised officers under s187?

Number of staff:

13. Does your Council have any ongoing issues in regulating the premises transferred to Councils from the EPA? If yes please specify.

₁ Yes – What are they? >> _____
₂ No

14. Are any POEO Act performance indicators included in Council's Management Plan?

₁ Yes – Which ones? >>> _____
₂ No

Public Participation

15. Has your council established a public register under the POEO Act (s308-309)? If not, why not?

₁ Yes
₂ No – Why not? >>>>> _____

Costs

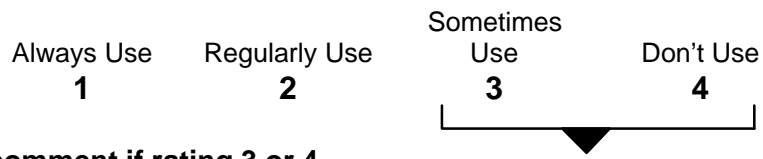
16. Have there been any additional costs to council in administering the POEO Act? If yes, please provide details.

₁ Yes – What costs? >>> _____
₂ No

17. What were the major cost items (including staff) in 2001-02 in administering the POEO Act? Please also indicate estimated dollar value.

	Estimated \$ Value
a)	
b)	
c)	
d)	
e)	

18. Do you use the cost recovery mechanisms for Clean Up and Prevention Notices (s94 and s100)? 1=always use; 2=regularly use; 3=sometimes use; 4=don't use. Please comment if rating is 3 or 4.



18b. Please comment if rating 3 or 4.

19. Does Council use Cost Compliance notices (s104)? If not, why?

₁ Yes
₂ No – Why not? >>>>> _____

Regulating Activities

20. How many POEO Act penalty notices, clean up notices and prevention notices did your council issue in the following years? Enter a number in each box.

	1997-98	1998-99	1999-00	2000-01	2001-02
a) Penalty notices					
b) Clean up notices					
c) Prevention notices					

21. How often do you use POEO tools and for what? Please provide your answers by each environmental media.

Media	21a. How often is POEO used to address issues? a) more than once a week b) fortnightly c) once a month d) 6 months to a year e) never	21b. What tools would you use the most? a) PINs b) Clean up notice c) Prevention notice d) Noise control notice e) Noise abatement direction	21c. Who is the action targeted at? Choose from the following: a) Industrial/building sites b) Agricultural c) Domestic d) Commercial premises e.g. shops, pubs	21d. What triggers the use of POEO? a) Responding – not aware of any issues then find out about it and respond e.g. a complaint b) Program based – anticipate an issue and put something in place e.g. building site, sediment fences If you use both, provide info about the programs, and which one you use more below:
a. Air	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d <input type="checkbox"/> e	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d <input type="checkbox"/> e	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d	<input type="checkbox"/> a <input type="checkbox"/> b
b. Noise	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d <input type="checkbox"/> e	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d <input type="checkbox"/> e	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d	<input type="checkbox"/> a <input type="checkbox"/> b
c. Water	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d <input type="checkbox"/> e	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d <input type="checkbox"/> e	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d	<input type="checkbox"/> a <input type="checkbox"/> b
d. Waste	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d <input type="checkbox"/> e	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d <input type="checkbox"/> e	<input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d	<input type="checkbox"/> a <input type="checkbox"/> b

IF BOTH

21d. If you use both in 21d, provide information about the programs, and which one you use more

22. Has your council commenced any prosecutions in court? If yes, what tier, which court and what was the result? If not, why not?

₁ Yes – what tier, which court and what was the result >>>>> _____

₂ No – Why not? >>>>> _____

23. How many self-reports under the part 5.7 Duty to Notify provisions has your Council received in relation to non-scheduled premises since POEO commenced? Please describe the nature of the most significant reports.

Number of self-reports:

23b. Nature of the most significant reports:

24. Has your council used the powers under part 7.4 to enter a residential property?

₁ Yes– Why? >>>>> _____

₂ No – Why not? >>>>> _____

25. Has your council found any benefits in using the extra powers provided by the POEO Act to issue notices (Chapter 4 of the Act) to control pollution?

26. What have been the weaknesses in using the extra powers to issue notices?

27. Any other comments on the POEO Act?

Thank you for your time in completing this questionnaire

Please return to: The POEO Review, PO Box A290, South Sydney, NSW 1232