



BROOKLYN RESIDENTS ACTION GROUP INC.

SUBMISSION TO

SENATE ENQUIRY COMMITTEE

THE IMPACT ON HEALTH OF AIR QUALITY IN AUSTRALIA

MARCH 2013

Brooklyn Residents Action Group Inc represents the interests of Brooklyn residents to local and state authorities on issues of odour, noise and dust from the Brooklyn industrial precinct.

BRAG Inc also provides advice, advocacy, information, referrals and support and assistance on community identified issues. Advocacy with local and state government representatives and bodies is for better services, environs and amenities both social and physical that are targeted at improving the living conditions of the people of Brooklyn. It also undertakes projects to improve on the social and physical amenities for the community.

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INTRODUCTION

This paper covers the impacts of particulate matter, odour and noise and its sources and the standards, monitoring and regulation of air quality at all levels of government and other related matters. This report mainly covers the lack of dust, odour and noise control in the suburbs of Brooklyn, Altona North, Altona and Yarraville, Victoria (past and present).

Our community strongly recommends the Committee take a holistic approach to the impact on health of air quality by addressing the physical, mental and social conditions impacting on an individual's wellbeing.

For decades there has existed a fierce community passion to resolve the many pollution issues faced in this area. Many of us have effectively taken on the role of unpaid detectives, responsible for exposing and reporting offenders to authorities, whilst industry relentlessly continued to breach permits, licenses and EPA requirements. Thousands of private hours have been dedicated to engaging with and maintaining networks (community groups; forums; stakeholder meetings; government lobbying; state authorities and leaflet deliveries).

Our plight for a healthy and safe environment has added to the stress and anxiety that already existed due to the persistent pollution that has become synonymous with these western suburbs of Melbourne. This ongoing critical issue has mentally and physically challenged us, as documented by the many reports and affidavits to EPA, and minutes of meetings/forums etc. Industry malpractice, deficient planning laws and economic factors have taken precedence over our health and wellbeing. It's time to repair this scenario.

SOURCES OF DUST

Examples include:

1. Open quarries;
2. Large piles of oversize, crushed concrete and gypsum several metres high – uncovered and uncapped;
3. Unsealed roads - heavily utilized by trucks;
4. Crushing plants with exposed conveyor systems;
5. Organic recycling – exposed windrows;
6. Metal recycling & crushing (exposed piles);
7. Multiple container storage and transport operations with unsealed yards;
8. Other inappropriate operations.

SOURCES OF ODOUR

Examples have included:

1. Two abattoirs – location Brooklyn
Cedar Meats (approx. 200 metres distance from residential);
JBS Australia (previously known as Tasman Meats and Swift Australia (approx. 400 metres distance from residential) and both established within the last 10 years;
2. One rendering plant
Australian Tallow Producers (approx. 200 metres distance from residential). Established within the last 10 - 15 years;
3. Liquid waste processing – Veolia; now complies with EPA requirements
4. Organic recycling – exposed windrows (SITA has relocated but some composting still undertaken at Brooklyn by others);

5. Landfill: Brooklyn landfill; Altona North Landfill; Transpacific Industries (capped landfill which still produces odour); Western Land Reclamation – all in close proximity to residential areas.
6. Spontaneous combustion of landfill sites producing a burning waste odour;
7. Carghill (seed processing); now complies with EPA requirements
8. Multinational chemical manufacturing plants within close proximity to each other e.g. Nufarm, Laverton; Petrochemical Complex Altona; Air Liquide Altona, Dow Chemicals Altona; Smorgans Brooklyn; Huntsman Chemicals, Brooklyn; and
9. Numerous other inappropriate operations e.g. methyl bromide spraying and fumigation operations (one active in Brooklyn; one proposed for Spotswood). Both operations are not enclosed.

SOURCES OF NOISE

Reversing beepers (some operating regardless of forward or backward motion) on equipment utilized by most businesses. The high pitched noise affects nearby residential zones. There has been a growing trend towards 24 hour operations in recent times which exacerbates this ever present noise pollution.

AIR QUALITY ISSUES IN OUR AREA

BACKGROUND

The residential communities of Hobsons Bay, Brimbank and Maribyrnong in the western suburbs of Melbourne are probably the most impacted by dust and odour in all of Australia. The impact on these communities emanate from the lack of control by operators (some are multi-national companies) coupled by a history of inadequate enforcement by governing authorities, engendering a lack of trust in the community and a feeling of little prospect for improvement in the future.

All of these areas have been the subject of many reports to local councils, EPA Victoria, Health Department and the state government agencies through our elected parliamentarians pointing out the issues of pollution and the health impacts on the local communities.

A number of studies and reports outlining the way forward for the resolution of these issues has been tabled through the Brooklyn Community Reference Group, Altona North Truck Traffic Study and the Toxic Soil Treatment Plant Study but no real progress on reducing these impacts has been made nor likely to be resolved in the near future without government intervention.

The other issue that impacts on community health is the exploitation of the Planning & Environment Act 1987, Planning Scheme provision called non-conforming use rights where existing use of land can continue, despite their prohibition in the relevant planning scheme. To establish a non-conforming use right, it must be proved that the land was used continuously for a particular purpose before the planning scheme or planning amendment came into operation, and since without significant interruption. With changes in the local environment caused by housing development in areas close to previously designated say Industrial 1 areas, these 'existing use rights' provisions do not take into consideration the impacts on community health or environment. This provision in the Act needs to be reviewed and acted on in the interests of community or special provisions for impacted areas need to be enacted.

Despite the best efforts of the EPA and Brimbank City Council within their legal and operating constraints in the interests of the health of the residential communities of Hobsons Bay, Brimbank and Maribyrnong, and for people working close to and in these environments, we call on the government to step in and resolve the outstanding issues as outlined below on an urgent basis.

The word 'health' covers all aspects of wellbeing, not just physical health. Whilst detailed health data and reports are not easily accessible to the general public, the authors of this paper wish to

highlight the level of frustration, stress and anxiety experienced by their community as a result of their crusade for a healthy and safe western suburbs.

“Since the establishment of Melbourne, the western suburbs have housed industry alongside residents. Air and water quality in the area has been a community concern as far back as the 1870’s. Today, while industry practice is improving, the environmental health and livability of the western suburbs for local residents still remains a priority for community, business and the Victorian government.”

EPA Community Information Newsletter Issue 3

“Brooklyn Industrial Area – Improving Environmental Performance (March 2010)

MANAGEMENT & CONTROL ISSUES – DUST, ODOUR & NOISE

- Poor site management allowing dust, odour and noise emissions to escape from sites;
- Outdated legislation which allows existing use rights to perpetuate;
- Failure at all levels of government to control site emissions;
- Exceedences of PM₁₀ well over global standards - EPA dust monitoring program Brooklyn station;
- Dust emissions relating to transport of materials into and out of sites;
- Industry has a ‘cowboy’ mentality – not good corporate citizens;
- No overarching body has the ultimate say in ensuring that breaches are acted upon in the interests of public health and safety; and
- The anomaly in the Planning & Environment Act 1987, Planning Scheme provision called non-conforming use rights.

Planning Permits and EPA licences for all sites with possible particulate, odour and noise issues should be required and enforced to ensure no emissions outside the property. This issue has been inadequately addressed by the responsible authorities - EPA Victoria, VicRoads, local and State government.

BROOKLYN

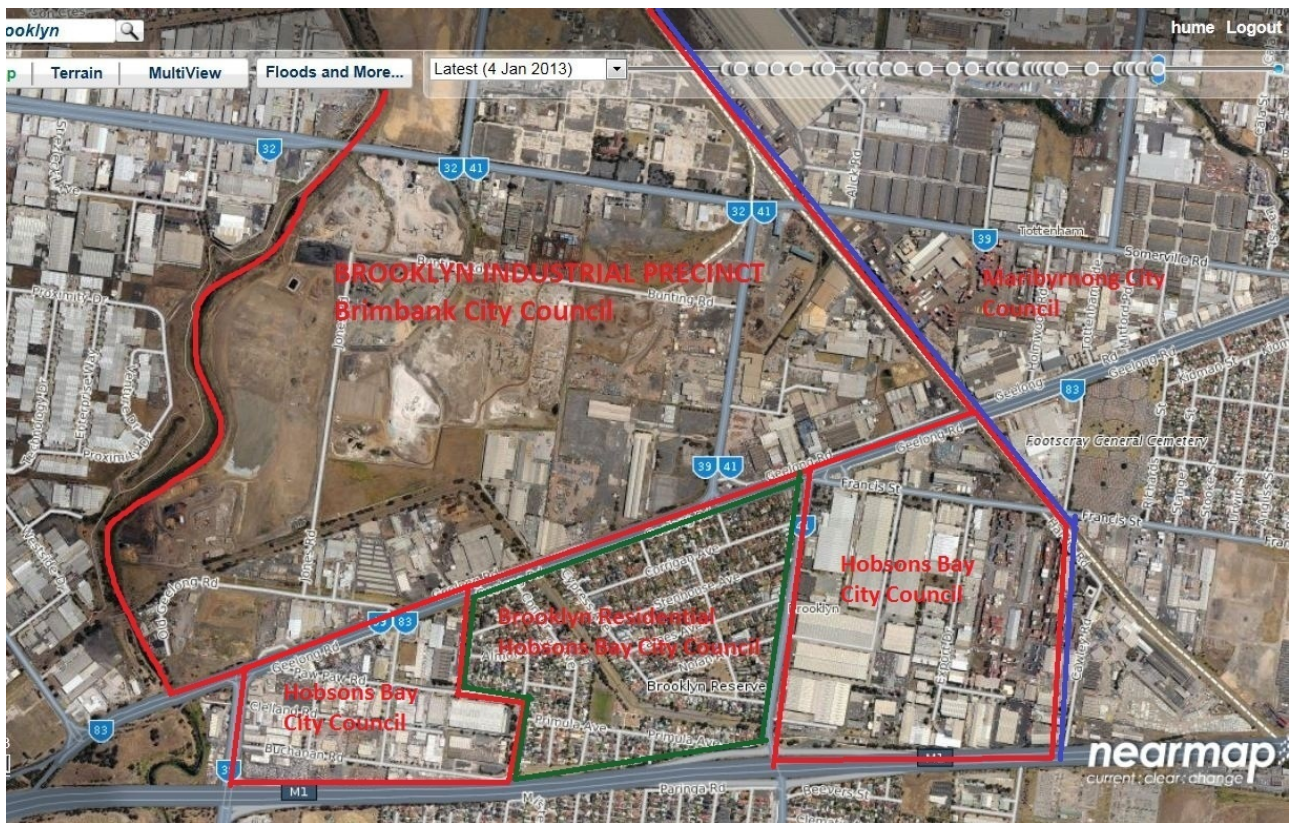
“The Brooklyn Industrial Precinct houses over 60 industries, including quarrying, former landfill, abattoirs, composting, material recycling, tallow producers, container storage and chemical manufacturing, as well as numerous small businesses including light industrial, retail and manufacturing. Many industries in the precinct produce odour, dust and noise as part of their operations. The quality of land across large portions of the precinct are substantially degraded, and there is also significant land contamination.

Consultation with local community groups identified a strong desire amongst some individuals to see heavy industry shifted out of the precinct and to explore opportunities for new parkland or residential development in the area.

A significant proportion of the precinct is affected by landfills. These sites have particular implications for the development potential relating to soil stability, structural capability, suitability for occupation, and timing of development. Issues relating to land contamination, storm water quality and the environmental degradation need to be addressed in planning for the future development of the precinct.”

The Brooklyn Evolution 2012 – Brimbank City Council

BROOKLYN INDUSTRIAL ESTATES



Brooklyn – aerial map shows Brooklyn residential area surrounded by industry to the North, East and West. This location is approximately 8kms from Melbourne CBD. Map courtesy of Nearmap.

Short Term Resolutions for consideration:

- Resolve the easement for East West Link alignment and build the corridor with high buffer escarpments and plant out with local indigenous trees, shrubs and grasses – Action State & Federal Government;
- The removal of Australian Tallow and associated meat processing facilities from the Western Metropolitan area is essential for the well being of the local community and must be a high priority for the State Government;
- Grass the cap of the Brooklyn tip at Geelong Road and mulch and plant out along the Kororoit Creek corridor, the Federation Trail corridor and along the Jones Road boundary with native indigenous trees, shrubs and grasses – Action TPI, Melbourne Water;
- Grass the cap of the Sunshine tip at Market Street and mulch and plant out along the Kororoit Creek corridor, along Somerville Road and along the Jones Road boundary with native indigenous trees, shrubs and grasses – Action TPI, Melbourne Water;
- Close down the operations of Sunshine Groupe, Sims Metal, Finch Industries, City Circle, Delta Demolitions and other dust producing operations as they are major polluters in the area. Prevent acceptance of further materials on site thus ensuring the reduction of product on site and the eventual relocation of these businesses outside the Melbourne Metropolitan Area – Action State & Local Government;
- Establish road network with proper drainage, curb, channel and surfacing – vis Bunting and Jones Roads and future planning for other major road infrastructure projects – State Government, Local Government; VicRoads;

- Relocate concrete production facilities outside Melbourne Metropolitan Area – Action State Government, EPA;
- Control operation of tip site to ensure compliance with planning permit requirements and EPA Act and ensure that the site is filled and completed as soon as possible. The size of the landfill operation to be controlled to a minimum tipping area with all other areas grassed to ensure reduced dust emissions;
- Mandatory installation of broadband beepers on all operating equipment (including trucks);
- State Government to declare Hobsons Bay and Brooklyn industrial precinct as special areas and remove ‘existing use rights’;
- Identify sites requiring rezoning to facilitate preferred land use outcomes – State Government, Local Government;
- Greening of Geelong Road – VicRoads, Local & State Government;
- More resources for EPA – focus on permit control & enforcement;
- More resources for local government – focus on permit control & enforcement.

Long term resolutions for consideration:

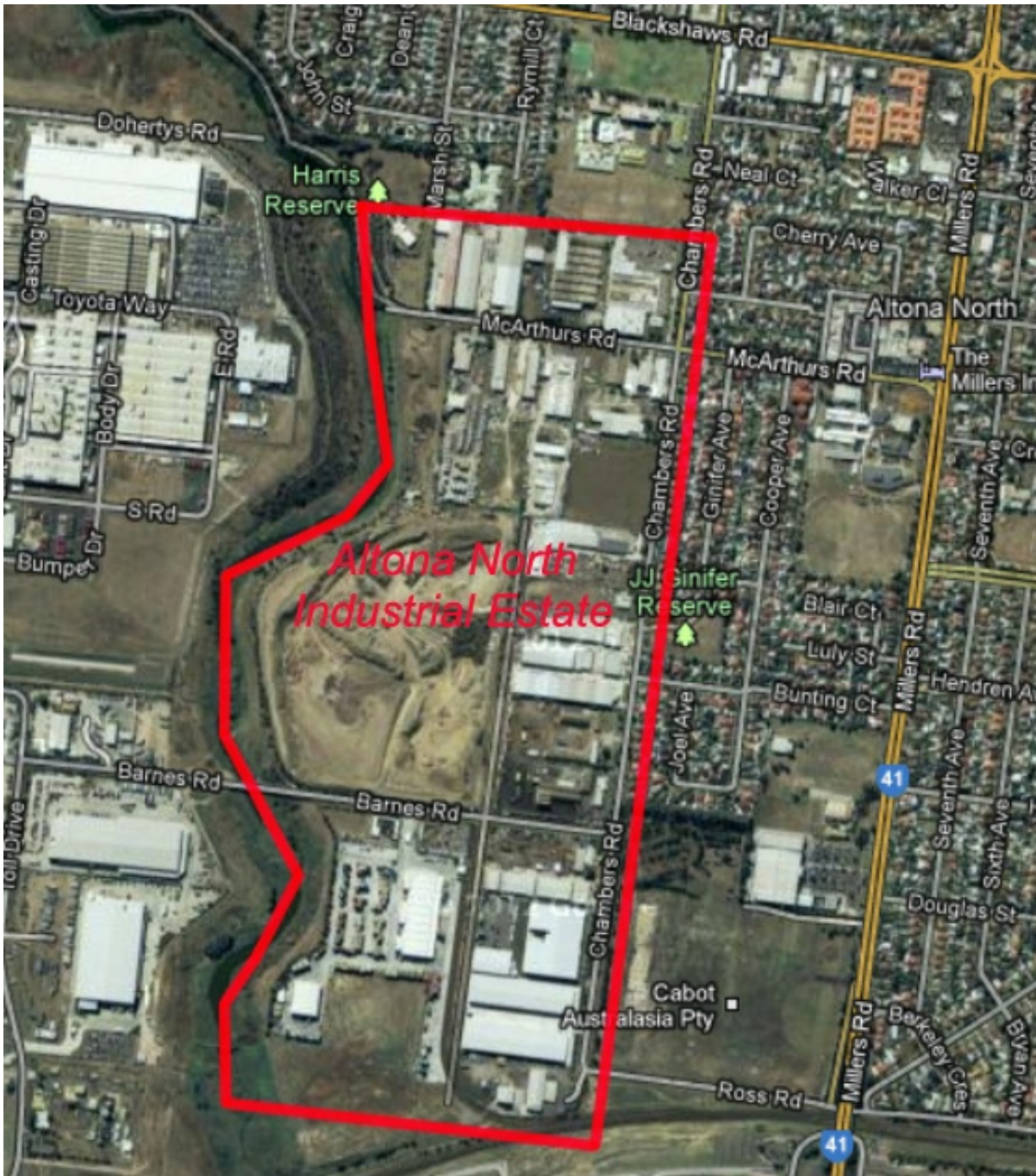
Use guidelines established in the Brooklyn Evolution Project 2012, [Brooklyn Industrial Precinct Strategy](#)

OTHER BROOKLYN SITES

The government must require the responsible authorities in both Brimbank and Hobsons Bay to identify all sites where breaches of planning permit requirements re dust, odour and noise are an issue. Shipping Container Yards, Maloufs, Mitre 10, and others need to be required to seal their sites in the interest of public safety on an urgent basis. EPA Victoria or the overarching body must to be able to follow up breaches with severe penalties and/or the ability to close down offending industries until the issues are resolved to the satisfaction of the authorities.

ALTONA NORTH

ALTONA NORTH LANDFILL



Short Term Resolutions for consideration:

Altona North Landfill is impacting on the amenity of local residents and industry by allowing dust to be released from the site and trucks entering and exiting the site in numerous ways. The State Government, Local Government and EPA Victoria must move immediately to:

- Reduce surface area of tip site by mulching and planting the Public Park and Recreation Zoned land with indigenous trees and shrubs as required by the 173 agreement and as required by Condition 32, Planning Permit 9308;
- Remove the piles of soil from along the Barnes Road boundary that is impacting on industry to the north outside the boundary of the site in contravention of Condition 12, Planning Permit 9308;

- Close McArthurs Road entrance, relocate the weighbridge to south of the site and plant the land west along Hyde Park Tank Filling site with plants and grasses to stop dust issues in contravention of Condition 12, Planning Permit 9308;
- Ensure truck ingress and egress to the site is via Grieve Parade, The Gateway, and Barnes Road via the Barnes Road Bridge. A change in Planning Permit 9309 is required;
- Ensure truck entry and exit to the site is either by Barnes Road gate or Blomberg Road gate. A change in Planning Permit 9309 is required;
- Ensure the wheel wash facility is used at all times by trucks exiting the site as required by Condition 21, Planning permit 9308;
- Require the tip operator to supply a concrete pad from the Wheel wash facility to the Barnes Road sealed roadway to prevent removing dust from the site after the wheels have been washed as required by Condition 21, Planning permit 9308;
- Reduce the size of the mound of concrete and rubble to prevent dust being blown into Altona North residential area in contravention of Condition 12, Planning Permit 9308;
- No more concrete and rubble to be stored on site and all crushing operations to be conducted away from Altona North site as dust from these operations is impacting outside the boundary of the site in contravention of Condition 12, Planning Permit 9308;
- Reduce the working face to a minimum as required by Condition 32, Planning Permit 9308;
- Revegetate all land that is at the agreed contour levels and areas that are not within the working face of the landfill site as required by Condition 32 Planning permit 9308.

Requests by the community over the years, to Hobsons Bay City Council and EPA Victoria, to resolve the above issues have seen no changes made in the operation of the Landfill site. The community has been badly impacted by this and other industrial operations in the area to the detriment of their health.

EPA Victoria or the overarching body must to be able to follow up these breaches with severe penalties and/or the ability to close down these offending industries until the issues are resolved to the satisfaction of the authority.

NORMAN CARRIERS

This Container Storage Park, as part of its Planning Permit PO1-051 requirements, was required to seal its site to prevent dust from impacting on local residents in 2001. Condition1 (c): Paving of driveways, parking and storage areas including sealed surfaces to all areas ensured that the site was never sealed as required by the permit.

When Norman Carriers needed to expand its operation to encompass extra land in Chambers Road Altona North in approximately 2007, the company realised it had not met its planning permit requirement and was not likely to get any changes until the sealing of the site had been completed. It then commenced sealing its site whilst applying for an extension of its Planning Permit. The changed Planning Permit required Norman Carriers, amongst other things, to seal both properties.

Once the existing Planning Permit had been amended, Norman Carriers ceased any further sealing work, with large areas of the site unsealed and the resultant dust issues are still impacting on the local Altona North community. Again, no follow up by the Responsible Authority. The need for the sealing of container parks was recognised by the government when a VPP Practise note was released in January 2003. The issues in Brooklyn have been in part a result of the lack of any follow up of this government directive by the Responsible Authority to seal container parks.

OTHER ALTONA NORTH SITES

There are other industrial sites in Altona North including Shorehire & Hyde Park Tank Cleaning that need to be sealed as required by their planning permits. The State Government must require the Responsible Authority, Hobsons Bay City Council, or an overarching Authority to audit all sites in Altona North to identify this issue and ensure that all are urgently aligned to the required standard of sealing.

ALTONA

INNOVA TOXIC SOIL TREATMENT FACILITY



This facility has been the subject of many community, Council and EPA meetings, with a view to prevent such a facility being set up in the metropolitan Area. The material likely to be processed in the plant will contain heavy metals, hydrocarbons and old gasworks waste which contain organic pathogens including PAC and dioxins. It also has the potential to distribute this very light contaminated particulate matter both from the processing plant and along the truck transport route to and from Altona. The final product is a very finely ground soil particulate matter which, it is proposed, will be stored outside under tarps in an attempt to prevent the wind transporting all over the Bay area.

As the soil treatment process meets EPA Victoria guidelines re dust not impacting off site, EPA has agreed to allow the development of the plant. It now has to go to VCAT for a decision as Hobsons Bay Council has declined the issuing of a planning permit for the project.

However, the community is well aware of the issues pertaining to both Brooklyn and Altona North and how dust issues that are allegedly contained within the dusty sites are permitted to impact on the local community despite EPA licence and Local Government Planning Permit requirements.

We already have issues that impact on community health, we do not want an additional source of dust that has the ability of impacting on all Hobsons Bay residents especially as the dust is likely to contain airborne lead and particle sizes below 10 and 2 microns and other long chained hazardous organic compounds.

HEALTH DATA

The Senate Enquiry Committee should call for detailed health reports from the Department of Health to assist with its enquiry. Focus on cancer clusters and respiratory diseases by suburb and postcode. This data is not publicly available to this level of detail and is not easily accessible by the public.

Example – emergency presentations for period 2010-2011 shows twice the State measure for Hobsons Bay City Council LGA. See page 69 of the following linked report by Department of Health:

[http://docs.health.vic.gov.au/docs/doc/EC82E059E8DE3BB8CA257A100024B485/\\$FILE/HobsonsBay_2011_PUBLIC.pdf](http://docs.health.vic.gov.au/docs/doc/EC82E059E8DE3BB8CA257A100024B485/$FILE/HobsonsBay_2011_PUBLIC.pdf)

MAJOR ACTIONS REQUIRED BY STATE AND LOCAL GOVERNMENT

- Need for overarching authority to close industries that continue to breach standards set by Planning Permits, EPA licenses, State and National Air Quality legislation.
- Revision of archaic State government planning laws to better accommodate obnoxious industries away from residential areas. The community has inherited bad planning practices from the past and inadequate enforcement, a situation which still exists today.
- Redefine the parameters in the planning legislation in order to address and deter blatant exploitation of 'Existing Use Rights'.
- Address the issues raised in this paper to reduce the impact of particulates, odour and noise in the Western suburbs of Melbourne.

Hon Secretary/Treasurer

Brooklyn Residents Action Group Inc
PO Box 15 Altona North, Victoria 3025

REFERENCES

The Brooklyn Evolution: Structure Plan and Urban Design Framework
Meinhardt – September 2012

Brooklyn Community Representative Group – minutes

Shipping Container Storage: VPP Practice Note January 2003

Altona North Landfill Planning Permit 9308

Altona North Landfill EPA Licence ES26227

Innova Detailed Submissions – EPA website (link supplied on next page)

CONCERNED COMMUNITY ORGANISATIONS

Brooklyn Residents Action Group Inc. – Secretary Bert Boere, PO Box 15, Altona North 3025

Yarraville On the Nose Group – President Bruce Light, 59 Ballard St, Yarraville 3013

Hobsons Bay Ratepayers Group – Secretary Anne Palmer, Hansen St, Altona North 3025

Altona North Residents Group – Secretary Geoff Mitchelmore, PO Box 73, Altona North 3025

ATTACHMENTS

Attachment 1:

Letter of support from Cr Tony Briffa – Hobsons Bay City Council.

PO Box 51, Altona VIC 3018 | 115 Civic Parade, Altona VIC 3018 | T: (03) 9932 1044 (bh)

Web: www.briffa.org | Email: tony.briffa@briffa.org | Twitter: [@tonybriffa](https://twitter.com/tonybriffa) | Facebook:

www.facebook.com/CrTonyBriffa

1 March 2013

Committee Secretary

Senate Standing Committee on Community Affairs

PO Box 6100

Parliament House

Canberra ACT 2600

Australia

Dear Committee,

Inquiry Submission – Impacts on Health of Air Quality in Australia

Thank you for the opportunity to provide a submission regarding the impacts of air quality on health. This is a particularly important issue to residents in the City of Hobsons Bay, located 20 minutes to the west of Melbourne. Our city has approximately 90,000 residents living amongst some of the most heavily industrial areas of Melbourne including Brooklyn and Altona North. Industry in the area includes large petrochemical companies, recycling plants, landfill, seed processing, a rendering plant, liquid waste processing and abattoirs. Due to the industrial precinct, the area experiences significant volumes of truck movements

on unsealed roads, further compounding the problems with air quality. The significant impacts of air quality from the industrial areas – dust particulates, odours and noise – have been recognized by the Victorian Environment Protection Authority, City of Hobsons Bay, City of Brimbank and the City of Maribyrnong and are the subject of ongoing monitoring, evaluation and compliance enforcement. The Brooklyn Residents Action Group Inc. (BRAG) is a significant local group working closely with the various agencies and local industry to address these issues, and I am very happy to support their detailed submission to your Inquiry.

PO Box 51, Altona VIC 3018 | 115 Civic Parade, Altona VIC 3018 | T: (03) 9932 1044 (bh)

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Twitter: [@tonybriffa](https://twitter.com/tonybriffa) | Facebook: www.facebook.com/CrTonyBriffa

Having spoken with many BRAG members and other local residents affected by air quality over the last 5 years, it is clear there are significant health and wellbeing issues in relation to air quality. I strongly urge the Committee to consider the concerns and experiences in Hobsons Bay and to ensure these matters are resolved and not repeated elsewhere. It is obvious planning, monitoring, reporting and ongoing compliance enforcement are important matters if agencies are to ensure suitable air quality for residents, particularly in high population areas such as Brooklyn and Altona North.

Sincerely,

Cr Tony Briffa JP
Councillor, City of Hobsons Bay
(Mayor, 2011-12)

LINKS

Brooklyn Industrial Precinct Strategy

http://www.brimbank.vic.gov.au/About_Council/Governance/Council_Policies_Strategies_Plans/Council_Strategies/Brooklyn_Industrial_Precinct_Strategy

EPA Update 14th November 2012 to Brooklyn Community Representative Group

http://www.brooklynip.com.au/wp-content/uploads/2012/11/EPA-Report_BCRG-Update-14-November-20121.pdf

Department of Health – data for Hobsons Bay LGA

[http://docs.health.vic.gov.au/docs/doc/EC82E059E8DE3BB8CA257A100024B485/\\$FILE/Hobsons_Bay_2011_PUBLIC.pdf](http://docs.health.vic.gov.au/docs/doc/EC82E059E8DE3BB8CA257A100024B485/$FILE/Hobsons_Bay_2011_PUBLIC.pdf)

Brooklyn Community Representative Group Community Forum

<http://www.brooklynip.com.au/bcrg-community-forum/>

Brooklyn Industrial Area – Developing a Dynamic Future November 2012

http://www.brooklynip.com.au/wp-content/uploads/2012/11/3231_Brimbank_Brooklyn_Brochure_FINAL-LR-for-web.pdf

EPA's work with Brooklyn Industrial Precinct

<http://www.epa.vic.gov.au/our-work/current-issues/odour-and-air-quality/brooklyn-industrial-precinct>

Innova Detailed Submission (EPA Victoria website)

<http://www.epa.vic.gov.au/our-work/licences-and-approvals/public-participation/featured-applications/innova-soil-technology-ltd>

EPA Victoria 'Air Monitoring at Brooklyn Year 2 – Nov 2010 to Oct 2011'

<http://www.epa.vic.gov.au/our-work/publications/publication/2012/march/1444>

MEDIA ARTICLES:

Adam Morton – The Age Feb. 17, 2010.

<http://www.theage.com.au/victoria/industrial-dust-a-hazard-in-western-suburbs-20100216-o910.html>

Adam Morton - The Age April 19, 2010.

<http://www.theage.com.au/victoria/watchdog-must-take-on-more-polluters-new-boss-20100418-smmc.html>

James Twining – Hobsons Bay Leader February 17, 2010.

<http://hobsons-bay-leader.whereilive.com.au/news/story/west-health-risk-fury/>

James Twining – Hobsons Bay Leader July 14, 2010.

<http://hobsons-bay-leader.whereilive.com.au/news/story/cop-that-you-brooklyn-stinker-1/>

Benjamin Millar – Maribyrnong Weekly February 12, 2013.

<http://www.maribyrnongweekly.com.au/story/1296502/wind-blamed-for-vomitous-reek-around-brooklyn-industrial-precinct/>

Goya Dmytryshchak – Maribyrnong Weekly September 12, 2012.

<http://www.maribyrnongweekly.com.au/story/322881/brooklyn-still-dust-capital/>

Alesha Capone – Star November 28, 2012.

<http://www.starnewsgroup.com.au/star/williamstown-altona-laverton/376/story/156063.html>

Fiona O'Doherty – Hobsons Bay Leader December 18, 2012.

<http://hobsons-bay-leader.whereilive.com.au/news/story/fumigation-has-all-clear/>

Benjamin Millar – Maribyrnong Weekly December 12, 2012.

<http://www.maribyrnongweekly.com.au/story/1179146/trucks-breaking-inner-west-curfew-with-impunity/>

James Twining – Hobsons Bay Leader May 19, 2009.

<http://hobsons-bay-leader.whereilive.com.au/news/story/push-to-pin-pong-on-brooklyn-smells/>

EPA Media Release – July 29, 2009.

<http://www.epa.vic.gov.au/about-us/news-centre/media-releases/media/2009/july/29/brooklyn-odour-under-investigation>

Brad Ryan – Maribyrnong Leader September 2, 2008.

<http://maribyrnong-leader.whereilive.com.au/news/story/epa-told-be-strong-on-pong/>

Candice Boyle – Star October 23, 2007

<http://www.starnewsgroup.com.au/star/footscray-yarraville/110/story/50192.html>

Article: Committee Idea a Stinker – Candice Boyle

<http://www.starnewsgroup.com.au/star/footscray-yarraville/111/story/50543.html>