

6TH March 2013

Committee Secretary
Senate Standing Committees on Community
Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Ask for: Craig Bruckner

Dear Sir/Madam

Senate Air Quality inquiry

Please find enclosed a copy of the Council's submission into the Senate's Inquiry into "The impacts on health of air quality in Australia".

If you require further information in relation to this matter please contact Craig Bruckner –
Manager Health and Regulatory Services

Yours sincerely

Glenn O'Sullivan

DIRECTOR BUSINESS & FINANCE

The impacts on health of air quality in Australia

Senate Air Quality Inquiry - Call for Submissions

Hobsons Bay City Council

Background

Parts of the Hobsons Bay municipality have been affected by air quality issues for a long period of time. Over recent years some issues have been addressed, such as the severe odour emitted from the Pridham rendering plant located to the north of the municipality. The EPA reported that the plant generated more odour complaints than from any other site in Melbourne. The work undertaken by the EPA and Brimbank City Council is to be acknowledged in resolving a long standing problem that severely impacted the residents of Hobsons Bay.

However, some air quality issues are ongoing and continue to be reported across the municipality. They may be generated from various sources and periodically arise from operations associated with the Altona Chemical Complex, petroleum refinery and concrete recycling operations located in a disused quarry.

Hobsons Bay residents in the north of the municipality are still acutely impacted by dust and odour. The predominant source of air pollution is the Brooklyn Industrial Estate, commonly referred to as the 'Brooklyn Triangle' which is a parcel of land situated in the City of Brimbank. It is bound by Kororoit Creek, Somerville Road and Geelong Road. There are approximately sixty businesses operating in the Brooklyn Triangle which include: quarrying, shipping container yards, demolition yards, recycling depots, transport logistics, abattoirs, tallow producers and hide processors.

For the past decade, the local communities have raised amenity issues with the Environment Protection Authority, Local Government and industries operating in the Brooklyn Triangle. Specifically, the impact of dust, odour and noise on the lifestyle and health of community members has been widely reported.

In 2006/07, the Brooklyn Community Reference Group (BCRG) was established and received resourcing from the EPA. The EPA's Executive Director Regional Services commenced chairing the meetings. During August, 2008 Hobsons Bay hosted a major community workshop to identify community concerns and better ways to engage and inform the wider community. In 2009, the EPA engaged a professional chairperson to instill independence and keep the committee's activities at 'arms length'. Since 2009, attendance at the BCRG has grown and meetings are now convened quarterly. Agendas, minutes and reports are available at <http://www.brooklynip.com.au/>.

Hobsons Bay senior officers and councillors have a continued presence on the BCRG to support improvements in air quality for the residents of Brooklyn, Hobsons Bay.

There is also strong support for the intent of the City of Brimbank's strategy, The Brooklyn Evolution. This strategy and its implementation are critical to the improvement of air quality.

The Council is concerned that despite the best efforts from all concerned that dust and odour issues continue to adversely impact upon residents of Hobsons Bay, particularly those living in Brooklyn, Altona North, Laverton, South Kingsville and Newport.

Particulate matter, its sources and effects:

- The Brooklyn Triangle is reported as the State's worst pollution (dust particles) black spot - 5 times worse than the next worst site.
- The EPA has identified that dust is worse on weekday mornings when the weather conditions include: hot northerly winds and no rain.
- The EPA has identified that the dust is largely terrestrial with no dangerous compounds
- Community members attending the BCRG often speak of dust layering their vehicles, washing, window sills and depositing in their spouting.
- EPA, Vicroads and Local Government are progressively improving roads and verges. Although, a number of new concerns were recently identified in Maribyrnong.
- Some industries have introduced dust containment measures
- The height of building debris stockpiles has been reduced
- In March 2012 the Department of Health (DoH) advised the health impacts of dust on vulnerable community members, i.e. Infants and young children, the elderly, people with respiratory conditions and people with heart disease:
 - Worse allergic reactions and asthma attacks in people with these pre-existing conditions
 - Worse breathing related problems in people with respiratory conditions
 - Worse symptoms of existing heart conditions

The DoH advice on high dust days (Brooklyn dust levels exceeded EPA clean air objective on 38 days in 2009/10 and 16 days in 2010/11) is:

- Avoid outdoor activity; minimise time spent outside
- Avoid rigorous exercise
- Stay indoors with windows closed
- Stay in air-conditioned premises
- If symptoms develop, follow prescribed treatment plan. If symptoms do not settle, seek medical advice.

(The DoH's Health advice appears to conflict their own heat wave response advice to at risk community members, i.e. Open windows and create airflow)

Those populations most at risk and the causes that put those populations at risk:

At a recent BCRG meeting there was clearly a lot of emotion. One relatively new resident spoke at length from his pre prepared statement describing how the enjoyment of his property was diminished by air pollution from the Brooklyn Triangle.

- Brooklyn is a socio economically disadvantaged area of Melbourne and residents:
 - May not have air conditioning (reported via BCRG)
 - May wish to leave windows open for heat relief
- Several primary schools and child care centres are situated within the dust affected area
 - Not all rooms are air conditioned
 - Recess and lunch times fall within the high dust times

The standards, monitoring and regulation of air quality at all levels of government:

- EPA Victoria has undertaken short term, targeted air monitoring programs in Brooklyn and Sunshine West. However, air quality data collected at these locations was not included in EPA Victoria's monitoring report to the Commonwealth and Brooklyn does not represent one of the 14 monitored locations. For this reason, the impacts on health for those people (i.e. Brooklyn and surrounding residents) considered most at risk, and the causes that put those populations at risk, are not currently given the urgent attention that is required at a National or State level.
- The goals set at National and State level are somewhat aspirational. The Commonwealth legislation currently transfers accountability for monitoring and reporting to each State/Territory jurisdiction. However it does not take the additional step of enforcing compliance where air quality and the potential impact to human health is affected. The National Environment Protection Council Act 1994 (NEPM) Ambient Air Quality (AQQ), does not include noxious odour as an air quality indicator. EPA Victoria has made significant change to how they manage environmental impacts that affect human health and amenity with the introduction of their Compliance and Enforcement Policy two years ago however is still constrained by the existing legislative framework for planning and environment.
- Other issues to emerge include the following:
 - Not all polluting industries have been identified
 - The level of Industry cooperation is often low
 - The EPA's response to community concern has, at times been reported as poor:
 - Incident reporting system has been slow and cumbersome
 - Brooklyn complaints have reportedly been devalued relative to other sites, e.g. EPA will only respond if multiple complaints were received.
 - Incident response teams have not always been available through evening high odour periods.
 - The EPA's lack of and/or slowness to take effective enforcement action against offending businesses

Other related matters.

- Other significant Brooklyn amenity issues relate to odour (and to a lesser degree noise)

- While the EPA has eliminated or reduced odour from some sources, other odour emitting businesses still have a significant impact on the Brooklyn community
 - Odour is not limited to hot, dry, high wind mornings. Typically, odour is often experienced in the evening and during the night when industry is apparently not operating 24/7.
 - Community members attending the BCRG often speak of the odour taking their breath away and also of being embarrassed when visitors comment about the odour.
 - The EPA has tended to focus on dust reduction rather than odour reduction despite the community's greater concerns about odour levels. There are challenges identifying the source of odours due to masking because of multiple operators in close proximity to each other.
- Much of the offending industry located within the Brooklyn triangle has been operating for many years and as such have "existing use rights" under the Brimbank Planning Scheme. Accordingly Brimbank City Council has been restricted in their ability to take action in relation to amenity impact from the offending businesses. The State Government could consider making changes to "existing use rights" under certain circumstances (e.g. greater community benefit).
 - This would assist Brimbank City Council with implementing its "Brooklyn Evolution Strategy" which will strive over the next 20 years to make the Brooklyn Industrial Precinct into a key employment node for Melbourne's west, a destination of choice for new, 'clean and green' investment and development. The strategy aims to improve the overall amenity of the Brooklyn Industrial Precinct by reducing the impact of the existing land uses on surrounding residential areas.
 - Some odour generating businesses located within the municipality operate on a 24- hour basis which does not afford affected residents with a reprieve from overnight odours.

Conclusion

The affect of poor air quality across the municipality is significant, particularly upon the residents living in, but not limited to, Brooklyn, Altona North, Laverton, South Kingsville and Newport. While it is acknowledged that the EPA, VicRoads and Brimbank City Council have attempted to ameliorate the air pollution issues arising from the Brooklyn Triangle, more needs to be done to overcome identified barriers. The BCRG has had some recent, documented success with dust reduction but there is still a long way to go.

It is apparent that some of the 60 businesses in the Brooklyn Triangle support the BCRG, and despite heated and emotional community comment attend most meetings. Others attend less frequently. Others still, never attend. It is the level of commitment by all businesses that the EPA, VicRoads and Brimbank City Council must improve by either negotiation or statutory enforcement.

Recommendations

1. That the Commonwealth conduct an urgent review of current legislative provisions at all levels of government for the monitoring, reporting and regulation of air quality, with a particular focus on how impacts to human health and quality of life can be monitored and protected for those populations most at risk and/or experiencing sustained impact on a day to day basis;
2. As a priority, the Commonwealth note the importance of the EPA using all available enforcement options to ensure that offending polluting industry affecting Hobsons Bay and the western region complies with the current legislation;
3. That the Commonwealth liaise with the state government to consider making changes to “existing use rights” provisions of the Planning and Environment Act 1987 under certain circumstances (e.g. greater community benefit) to enable relevant planning authorities to take action for amenity breaches;
4. That the Commonwealth request the state government to ensure all roads and verges within or close proximity to the Brooklyn Triangle are sealed to prevent dust emissions;
and
5. That the Commonwealth consider, how it can support identified levels of government and other agencies to implement the Brooklyn Evolution report of the Brimbank City Council.